

# State Board of Registration for Professional Surveyors

A Compilation of the Indiana Code and Indiana Administrative Code

2013 Edition



Indiana Professional Licensing Agency  
State Board of Registration for Professional Surveyors  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204  
Phone: (317) 234-3022  
Fax: (317) 233-4236  
Email: [pla10@pla.in.gov](mailto:pla10@pla.in.gov)  
Website: [www.in.gov/pla](http://www.in.gov/pla)

**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the land surveying profession, as of July 1, 2013. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to land surveying professionals regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Indiana Professional Licensing Agency nor the State Board of Registration for Professional Surveyors is able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

## STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

July 2013 Edition

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## **IC 25-21.5**

### **ARTICLE 21.5. LAND SURVEYORS**

## **IC 25-21.5-1**

### **Chapter 1. Definitions**

#### **IC 25-21.5-1-1**

##### **Application of chapter**

Sec. 1. The definitions in this chapter apply throughout this article.  
*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-1-2**

##### **Approved land surveying curriculum**

Sec. 2. "Approved land surveying curriculum" means a land surveying curriculum of at least four (4) years that includes the fundamentals of land surveying and that has been approved by the board.  
*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-1-2.5**

##### **"Authoritative"**

Sec. 2.5. "Authoritative" means being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying. For purposes of this article, GIS or electronic map data are not considered as authoritative survey products except when prepared by or under the supervision of a professional surveyor.  
*As added by P.L.57-2013, SEC.32.*

#### **IC 25-21.5-1-3**

##### **Board**

Sec. 3. "Board" refers to the state board of registration for professional surveyors.  
*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.33.*

#### **IC 25-21.5-1-3.5**

##### **"GIS"**

Sec. 3.5. "GIS" means geographic information system.  
*As added by P.L.57-2013, SEC.34.*

#### **IC 25-21.5-1-3.7**

##### **"GNSS"**

Sec. 3.7. "GNSS" means global navigation satellite system.  
*As added by P.L.57-2013, SEC.35.*

#### **IC 25-21.5-1-4**

##### **Repealed**

*(Repealed by P.L.57-2013, SEC.36.).*

#### **IC 25-21.5-1-5**

##### **Repealed**

*(Repealed by P.L.57-2013, SEC.37.)*

#### **IC 25-21.5-1-6**

##### **Licensing agency**

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5-3.  
*As added by P.L.23-1991, SEC.12. Amended by P.L.1-2006, SEC.443.*

#### **IC 25-21.5-1-7**

##### **"Practice of surveying"**

Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

- (1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and
  - (2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.
- (b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:
- (1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
  - (2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.
  - (3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.
  - (4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.
  - (5) Making any survey or preparing any plat for the subdivision of any tract of land.
  - (6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.
  - (7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.
  - (8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.
  - (9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:
    - (A) dependent on;
    - (B) in specific relation to; or
    - (C) in close proximity to a boundary or property line or corner, including easements and rights-of-way.
  - (10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.
  - (11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.
  - (12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.
- (c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:
- (1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.
  - (2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:
    - (A) Geodetic control.
    - (B) Orthoimagery.
    - (C) Elevation and bathymetry.
    - (D) Fixed works.
    - (E) Government boundaries.
    - (F) Cadastral information.
  - (3) Certification of positional accuracy of maps or measured survey data.
  - (4) Measurement, adjustment, and authoritative interpretation of raw survey data.
  - (5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.
  - (6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.
  - (7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.
  - (8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems.

Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

*As added by P.L.23-1991, SEC.12. Amended by P.L.218-1993, SEC.1; P.L.57-2013, SEC.38.*

#### **IC 25-21.5-1-8**

##### **"Practice or offer to practice surveying"**

Sec. 8. "Practice or offer to practice surveying" means the act of a person who does any of the following:

(1) By verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the person as a professional surveyor.

(2) Performs or offers to perform any acts or work involving the practice of professional surveying.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.39.*

#### **IC 25-21.5-1-8.5**

##### **"Professional surveyor"**

Sec. 8.5. "Professional surveyor" means a person who:



(1) has special knowledge of mathematics and surveying principles and methods that are acquired by education and practical experience; and  
(2) is a registered professional surveyor.  
*As added by P.L.57-2013, SEC.40.*

#### **IC 25-21.5-1-9**

##### **Secretary**

Sec. 9. "Secretary" has the meaning under IC 25-1-6-5(c).  
*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-1-9.7**

##### **"Surveyor intern"**

Sec. 9.7. "Surveyor intern" means a person who:

- (1) has:
- (A) graduated from an approved surveying curriculum of at least four (4) years; or
  - (B) acquired, through surveying education and experience in surveying work, knowledge and skill approximating that obtained by graduation from an approved surveying curriculum of at least four (4) years;
- (2) has successfully passed an examination as prescribed under IC 25-21.5-6; and
- (3) has been issued an appropriate certificate of enrollment as a surveyor intern under IC 25-21.5-7-2.  
*As added by P.L.57-2013, SEC.41.*

#### **IC 25-21.5-2**

##### **Chapter 2. State Board of Registration for Land Surveyors**

#### **IC 25-21.5-2-1**

##### **Establishment**

Sec. 1. The state board of registration for professional surveyors is established.  
*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.42.*

#### **IC 25-21.5-2-2**

##### **Membership**

Sec. 2. (a) The board consists of seven (7) members appointed by the governor.

(b) One (1) member must be appointed to represent the general public who is:

- (1) a resident of Indiana; and
- (2) not associated with surveying other than as a consumer.

(c) Six (6) members must be registered professional surveyors who engage in the practice of surveying and who each meet the following conditions:

- (1) Is a citizen of the United States.
- (2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.
- (3) Is registered in Indiana as a professional surveyor.
- (4) Has been engaged in the lawful practice of surveying for at least eight (8) years.
- (5) Has been in charge of surveying work or surveying teaching for at least five (5) years.

(d) Of the registered professional surveyors appointed under subsection (c), three (3) must be engaged in the practice of surveying on a full-time basis, and at least two (2) must be engaged in the practice of surveying on a part-time basis.  
*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.4; P.L.227-2001, SEC.5; P.L.57-2013, SEC.43..*

#### **IC 25-21.5-2-3**

##### **Term of service**

Sec. 3. A member of the board serves a term of four (4) years and until the member's successor is appointed and qualified.  
*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-4****Certificate of appointment**

Sec. 4. The governor shall provide each member of the board a certificate of appointment.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-5****Oath or affirmation; filing**

Sec. 5. A member of the board must, before beginning the term of office, file with the secretary a written oath or affirmation for the faithful discharge of the member's official duties.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-6****Removal of members; vacancies**

Sec. 6. (a) The governor may remove a member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-7****Per diem; traveling expenses**

Sec. 7. (a) Each member of the board who is not a state employee or a county surveyor is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), including out-of-state meetings that are approved by the board. The member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee or a county surveyor is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-8****Chairman and vice chairman; acting chairman**

Sec. 8. (a) Each year the board shall elect a member as chairman and a member as vice chairman.

(b) If the chairman and vice chairman are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairman until the conclusion of the meeting or until the arrival of the chairman or vice chairman.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.5.*

**IC 25-21.5-2-9****Authorization to attend conferences or meetings**

Sec. 9. The board may authorize a member of the board or the secretary to attend a surveying conference or meeting that is primarily concerned with the registration of professional surveyors.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.44..*

**IC 25-21.5-2-10****Seal**

Sec. 10. The board shall adopt and use an official seal.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-2-11****Meetings**

Sec. 11. The board shall hold at least two (2) regular meetings each year in Indianapolis. The board may hold special meetings that the board considers necessary.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-2-12**

##### **Quorum**

Sec. 12. A quorum of the board consists of four (4) members. Except as provided in this article, at least four (4) votes are necessary for the board to take official action.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-2-13**

##### **Office quarters**

Sec. 13. The state shall provide the board suitable office quarters in Indianapolis. The office may be shared with the state board of registration for professional engineers.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-2-14**

##### **Enforcement and administration of article; adoption of rules**

Sec. 14. (a) The board shall enforce and administer this article.

(b) The board shall adopt rules under IC 4-22-2 that are reasonably necessary to implement this article, including for the administration of the professional surveyor and surveyor intern investigative fund established under IC 25-21.5-11-4, and establish standards for the competent practice of surveying.

*As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.61; P.L.57-2013, SEC.45.*

#### **IC 25-21.5-3**

##### **Chapter 3. Licensing Agency; Board Secretary**

#### **IC 25-21.5-3-1**

##### **Secretary; appointment; duties**

Sec. 1. The licensing agency shall provide the board with a competent person to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a complete and accurate record of all proceedings of the board and perform any other duties assigned by the board.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-3-2**

##### **Clerks, assistants, and investigators**

Sec. 2. The licensing agency shall provide the board clerical or other assistants, including investigators that are necessary for the proper performance of the board's duties.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-3-3**

##### **Joint personnel with professional engineers registration board**

Sec. 3. The licensing agency may assign joint personnel to work for both the board and the state board of registration for professional engineers.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-3-4**

##### **Receipt and deposit of money; expenses; fee**

Sec. 4. (a) Except as provided in IC 25-21.5-11-4 and subsection (b), the secretary shall receive and account for all money collected

under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

(b) In addition to a registration fee determined under IC 25-21.5-7-5, the board shall establish a fee of not more than twenty dollars (\$20) for a professional surveyor and a surveyor intern to be paid at the time of:

(1) issuance of a certificate of registration or certificate of enrollment; and

(2) renewal of a certificate of registration or certificate of enrollment; under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited in the professional surveyor and surveyor intern investigative fund established by IC 25-21.5-11-4.

*As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.62; P.L.177-2006, SEC.4; P.L.57-2013, SEC.46.*

#### **IC 25-21.5-4**

#### **Chapter 4. Registration; Exceptions**

#### **IC 25-21.5-4-1**

##### **Persons required to register**

Sec. 1. For the purpose of safeguarding life, health, and property, a person must be registered or exempted as a professional surveyor to do the following:

- (1) Practice or offer to practice surveying in Indiana.
- (2) Advertise or use a title or description tending to convey the impression that the person is a professional surveyor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.47.*

#### **IC 25-21.5-4-2**

##### **Exemptions**

Sec. 2. The following persons are exempt from this article:

- (1) An employee or a subordinate of a person who holds a certificate of registration under this article if the practice of the employee or subordinate does not include responsible charge of design or supervision.
- (2) An officer or employee of the United States government while engaged in Indiana in the practice of surveying for the United States government.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.48.*

#### **IC 25-21.5-4-3**

##### **Surveying on privately owned or leased property; registration**

Sec. 3. This article does not require registration for the purpose of practicing surveying by a person, firm, or corporation on property owned or leased by the person, firm, or corporation unless the practice involves the following:

- (1) Public health or safety.
- (2) The health or safety of the employees of the person, firm, or corporation.
- (3) Activities excluded from the definition of the practice of surveying under IC 25-21.5-1-7(b)(4) through IC 25-21.5-1-7(b)(8).

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.49..*

#### **IC 25-21.5-4-4**

##### **Grandfather provision**

Sec. 4. (a) If an individual is licensed as a land surveyor on June 30, 2013, under this article:

- (1) the individual is considered to be licensed as a professional surveyor on July 1, 2013; and
- (2) the state board of registration for professional surveyors shall issue a license to the individual under this article.

(b) Notwithstanding subsection (a), the state board of registration for professional surveyors and the Indiana professional licensing agency are not required to issue:

- (1) a new wall license to an individual described in subsection(a); or
- (2) a new pocket license to an individual described in subsection (a);

until the license renewal period beginning December 1, 2013.

(c) This section expires January 1, 2014.

*As added by P.L.57-2013, SEC.50.*

## **IC 25-21.5-5**

### **Chapter 5. Application for Registration**

#### **IC 25-21.5-5-1**

##### **Records**

Sec. 1. The board shall keep a record of the board's proceedings and a record of each application for registration.  
*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-5-2**

##### **Qualifications for registration**

Sec. 2. To qualify for registration as a professional surveyor, an applicant must meet the following conditions under either subdivision (1) or (2):

(1) All of the following:

(A) Graduation in an approved surveying curriculum.

(B) A specific record of at least four (4) years of experience in surveying work that is acquired subsequent to graduation and that indicates that the applicant is qualified to be placed in responsible charge of surveying work requiring the exercise of judgment in the application of surveying sciences to the sound solution of surveying problems.

(C) The successful passing of an examination under IC 25-21.5-6.

(2) All of the following:

(A) A specific record of at least eight (8) years of surveying education and experience in surveying work that indicates that the applicant has acquired knowledge and skill and practical experience in surveying work approximating that required for registration as a professional surveyor under subdivision (1).

(B) The successful passing of an examination under IC 25-21.5-6.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.51.*

#### **IC 25-21.5-5-3**

##### **Surveyor intern; conditions for certification**

Sec. 3. (a) An applicant for certification as a surveyor intern must meet the following conditions under either subdivision (1) or (2):

(1) All of the following:

(A) Graduation in an approved surveying curriculum of at least four (4) years.

(B) The successful passing of a surveyor intern examination under IC 25-21.5-6.

(2) All of the following:

(A) A specific record of at least four (4) years of surveying education and experience in surveying work indicating that the applicant has acquired knowledge and skill approximating that acquired through graduation in an approved surveying curriculum of at least four (4) years.

(B) The successful passing of a surveyor intern examination under IC 25-21.5-6.

(b) The board may waive the examination in granting a certificate of registration as a professional surveyor to an applicant who has held an identical certificate of registration under Indiana law.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.52.*

#### **IC 25-21.5-5-4**

##### **Convictions; eligibility for registration or certification**

Sec. 4. A person is not eligible for registration as a professional surveyor or certification as a surveyor intern if the person has been convicted of any of the following:

(1) An act that would constitute grounds for disciplinary sanction under IC 25-1-11.

(2) A felony that has a direct bearing on the person's ability to practice competently.

*As added by P.L.23-1991, SEC.12. Amended by P.L.214-1993, SEC.58; P.L.57-2013, SEC.53.*

**IC 25-21.5-5-5****Qualification of applicants; credit for education**

Sec. 5. (a) In considering the qualifications of applicants, responsible charge of surveying teaching shall be construed as responsible charge of surveying work.

(b) An applicant who holds a degree of master of science of land surveying or the equivalent degree from a curriculum in land surveying approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education.

(c) An applicant who holds a degree of doctor of philosophy or the equivalent degree from a curriculum in land surveying approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education.

(d) Graduation in a course other than land surveying from a college or university acceptable to the board may be considered as equivalent to two (2) years land surveying experience and education.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-5-6****Persons not in surveying; eligibility for registration**

Sec. 6. A person who has the necessary qualifications prescribed in this chapter and who is entitled to registration is eligible for registration although the person may not be engaged in surveying work at the time of application.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.54.*

**IC 25-21.5-5-7****Forms for application**

Sec. 7. Each person applying for registration as a professional surveyor or for certification as a surveyor intern must apply on a form prescribed and provided by the board.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.55.*

**IC 25-21.5-5-8****Contents; application for registration**

Sec. 8. Each application for registration as a professional surveyor must contain the following:

(1) Statements showing either the registration number issued by another state or the education and qualifications of the applicant.

(2) A detailed summary of the technical work performed by the applicant, including a confirmation by the professional surveyor who supervised the work. If the summary of the technical work cannot be confirmed because of conditions beyond the control of the applicant, including death, incompetence, or nonregistration by the supervising professional surveyor, the board may allow the confirmation requirement to be fulfilled through other evidence.

(3) The names of five (5) persons to be used as references, at least three (3) of whom must be registered professional surveyors who have a personal knowledge of the experience of the applicant.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.6; P.L.57-2013, SEC.56.*

**IC 25-21.5-5-9****Contents; application for certification**

Sec. 9. Each application for certification as a surveyor intern must contain the following:

(1) Statements showing the education of the applicant.

(2) The names of three (3) persons to be used as references. However, references are not required for an applicant who is enrolled as a senior in an approved surveying curriculum in Indiana and has applied to take the basic disciplines part of the examination described in IC 25-21.5-6-1 when the examination is scheduled to be given at the applicant's institution before the end of the applicant's senior year.

(3) An applicant who has not graduated from an approved surveying curriculum must submit a detailed summary of the technical work performed by the applicant, including a confirmation by the professional surveyor who supervised the work. If the technical work summary cannot be confirmed because of conditions beyond the control of the applicant, including death, incompetence, or nonregistration by the supervising professional surveyor, the board may allow the confirmation requirement to be fulfilled through other evidence.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.7; P.L.57-2013, SEC.57.*

**IC 25-21.5-5-9.5****Contents of references for professional surveyors and surveyor interns**

Sec. 9.5. A reference for a professional surveyor applicant or surveyor intern applicant must:

- (1) contain the applicant's board assigned number; and
- (2) be dated within one (1) year of the application.

*As added by P.L.178-1997, SEC.8. Amended by P.L.57-2013, SEC.58.*

**IC 25-21.5-5-10****Certification of correct statements; penalty for false statements**

Sec. 10. (a) An applicant must certify the correctness of the statements in the application.

(b) A person who knowingly makes a false statement in an application commits a Class A misdemeanor.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-6****Chapter 6. Examinations****IC 25-21.5-6-1****Scope of examination for professional surveyors**

Sec. 1. The examination required of all applicants for registration as a professional surveyor must be a written or computer based examination divided into the following two (2) parts:

(1) The basic disciplines part of the examination, which must be designed to test the applicant's knowledge of the basic disciplines of surveying. The standard of proficiency required must approximate that attained by graduation in an approved four (4) year surveying curriculum.

(2) The principles and practice part of the examination, which must be designed primarily to test the principles and practice of surveying. The principles and practice part of the examination must be divided into two (2) sections:

(A) The first section must test the applicant's understanding, judgment, and ability to correctly apply the following:

(i) Federal laws and regulations.

(ii) Practices pertaining to the establishment, description, and reestablishment of land boundaries.

(iii) The platting of subdivisions.

(iv) The ethical, economic, and legal principles relating to the practice of surveying.

(v) The principles of mathematics relating to the practice of surveying.

(B) The second section must test the applicant's understanding, judgment, and ability to correctly apply the following:

(i) What is set forth in subdivision (2)(A)(i) through (2)(A)(v).

(ii) Indiana laws and rules.

(iii) Work that the professional surveyor is permitted to perform under this article.

(iv) The ability to write and interpret legal descriptions and solve narrative problems regarding the analysis and execution of surveys and survey problems.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.9; P.L.9-2012, SEC.1; P.L.57-2013, SEC.59..*

**IC 25-21.5-6-2****Partial exemption**

Sec. 2. An applicant for registration as a professional surveyor who holds a surveyor intern certificate that was issued in Indiana or in any other state or territory of the United States having equivalent standards may be exempted from the basic disciplines part of the examination described in section 1(1) of this chapter.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.10; P.L.57-2013, SEC.60.*

**IC 25-21.5-6-3****Subject matter of examination; surveyor interns**

Sec. 3. The examination for certification as a surveyor intern must be a written or computer based examination. The examination must be identical in subject matter to, but may be more comprehensive than, the first part of the examination for registration as a professional surveyor described in section 1(1) of this chapter.

*As added by P.L.23-1991, SEC.12. Amended by P.L.9-2012, SEC.2; P.L.57-2013, SEC.61.*

#### **IC 25-21.5-6-4**

##### **Time and place of examinations**

Sec. 4. Examinations must be held at least two (2) times each year at times, places, and under conditions determined by the board. Examinations for certification as a surveyor intern may be held separately from the examinations for registration as a professional surveyor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.11; P.L.57-2013, SEC.62.*

#### **IC 25-21.5-6-5**

##### **Applicants from other states or territories**

Sec. 5. An applicant for registration as a professional surveyor who is presently registered in another state or territory may be assigned a written examination if the board considers the written examination necessary to meet the requirements of this chapter.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.63..*

#### **IC 25-21.5-6-6**

##### **Fee for examination**

Sec. 6. The board shall determine the fee to be paid for each examination.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.12.*

#### **IC 25-21.5-7**

##### **Chapter 7. Certificate of Registration**

#### **IC 25-21.5-7-1**

##### **Issuance; certificate of registration for professional surveyors**

Sec. 1. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed in this chapter, to an applicant who, in the opinion of the board, has satisfactorily met all requirements of this article.

(b) A certificate of registration for professional surveying must:

- (1) authorize the practice of surveying;
- (2) show the full name of the professional surveyor;
- (3) bear a serial number and date; and
- (4) be signed by each member and by the secretary under seal of the board.

(c) The issuance of a certificate by the board under this section is evidence that the named person is entitled to all the rights and privileges of a professional surveyor from the date on the certificate until the certificate expires or is revoked.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.13; P.L.57-2013, SEC.64..*

#### **IC 25-21.5-7-2**

##### **Issuance; certificate of enrollment as surveyor intern**

Sec. 2. (a) The board shall issue a certificate of enrollment as a surveyor intern upon the payment of the certificate fee prescribed in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this article.

(b) A certificate of enrollment as a surveyor intern must state that the applicant has successfully passed the examination in fundamental surveying subjects required by the board and has been enrolled as a surveyor intern. A certificate of enrollment must:

- (1) show the full name of the surveyor intern;
- (2) bear a serial number and date; and
- (3) be signed by the chairman and the secretary, under the seal of the board.

(c) The issuance of a certificate by the board is evidence that the person named on the certificate is entitled to all the rights and privileges of a surveyor intern until the certificate expires or is revoked.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.14; P.L.57-2013, SEC.65.*

#### **IC 25-21.5-7-3**

##### **Partnerships, firms, and corporations; eligibility for certification**

Sec. 3. A registration certificate for a professional surveyor may be issued only to a natural person. A partnership, firm, or corporation doing business in Indiana may not be engaged in the practice of surveying unless the practice is carried on under the



responsible direction and supervision of a professional surveyor who is a full-time employee and a principal of the firm or partnership or an officer of the corporation. The name of the registrant must appear when the firm name is used in the professional practice of the firm, partnership, or corporation. Any surveys, plans, sheets of designs, specifications, or other documents requiring certification that are prepared by the personnel of any partnership, firm, or corporation must carry the signature and seal of the professional surveyor who was responsible for and in charge of the surveying work.  
*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.15; P.L.57-2013, SEC.66.*

#### **IC 25-21.5-7-4**

##### **Conditions; certificate of registration**

Sec. 4. The board may issue a certificate of registration as a professional surveyor to any person who meets the following conditions:

- (1) Properly applies for a certificate of registration.
- (2) Pays the required fee.
- (3) Holds a valid certificate of registration as a professional surveyor issued by the proper authority of any state of the United States if the requirements for registration of professional surveyors under which the certificate of registration was issued do not conflict with the provisions of this chapter and were of a standard not lower than that specified in the applicable registration statute in effect in Indiana at the time the certificate was issued.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.67.*

#### **IC 25-21.5-7-5**

##### **Registration and certification fees**

Sec. 5. The board shall determine the amount of registration fees for a professional surveyor and certification fees for a surveyor intern.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.16; P.L.113-1999, SEC.17; P.L.194-2005, SEC.63;P.L.57-2013, SEC.68.*

#### **IC 25-21.5-7-6**

##### **Application fees; registration as professional surveyors**

Sec. 6. If the board refuses to issue a certificate of registration to a person who has made a proper application for registration as a professional surveyor, the initial fee prescribed by the board and deposited with the board by the applicant shall be retained by the board as an application fee.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.17; P.L.57-2013, SEC.69.*

#### **IC 25-21.5-7-7**

##### **Application fees; certification as surveyor intern**

Sec. 7. If the board refuses to issue a certificate to a person who has made proper application for certification as a surveyor intern, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.70.*

#### **IC 25-21.5-8**

##### **Chapter 8. Renewal of Certificates**

#### **IC 25-21.5-8-1**

##### **Expiration of certificates**

Sec. 1. (a) A certificate of registration expires biennially on the date established by the licensing agency under IC 25-1-6-4.

(b) An individual may renew a certificate of registration by paying a renewal fee on or before the expiration date established by the licensing agency.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate of registration, the certificate of registration becomes invalid without any action of the board.

(d) A certificate of registration may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).

(e) If a certificate of registration has been expired for more than three (3) years, the certificate of registration may be reinstated by the board if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L.23-1991, SEC.12. Amended by P.L.105-2008, SEC.39.*

**IC 25-21.5-8-2****Biennial period for renewals**

Sec. 2. The biennial period for renewals extends from August 1 of an even-numbered year to July 31 of the next even-numbered year.

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-8-3****Repealed**

*(Repealed by P.L.194-2005, SEC.87.)*

**IC 25-21.5-8-4****Renewal notices; procedure for paying fees**

Sec. 4. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fees must be paid in accordance with IC 25-1-8-2(d).

*As added by P.L.23-1991, SEC.12.*

**IC 25-21.5-8-5****Repealed**

*(Repealed by P.L.105-2008, SEC.67.)*

**IC 25-21.5-8-6****Fees**

Sec. 6. Except as provided in IC 25-21.5-3-4(b), the board shall establish fees under IC 25-1-8.

*As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.64; P.L.177-2006, SEC.5.*

**IC 25-21.5-8-7****Continuing education**

Sec. 7. (a) The board may adopt rules requiring a professional surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must establish procedures for approving an organization that provides continuing education.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from practicing surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

*As added by P.L.218-1993, SEC.2. Amended by P.L.178-1997, SEC.18; P.L.194-2005, SEC.65; P.L.197-2007, SEC.58; P.L.57-2013, SEC.71.*

**IC 25-21.5-9****Chapter 9. Authority of Land Surveyor****IC 25-21.5-9-1****Seals; authorized use**

Sec. 1. (a) The granting of registration extends to the professional surveyor the authority to use a seal of a design authorized by the rules of the board. The act of affixing the seal attests to the professional surveyor's acceptance of full professional responsibility for the sealed documents. A person may not stamp or seal a document with a seal while the certificate of the named professional

surveyor is expired or revoked.

(b) Collection of field data, note reduction, computation, office analysis, and preparation of certificates and reports for a survey, plan, specification, plat, drawing, or report sealed by a professional surveyor must be performed by a professional surveyor or an employee acting under the personal supervision and direction of the professional surveyor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.19; P.L.57-2013, SEC.72.*

#### **IC 25-21.5-9-2**

##### **Plats; approval or acceptance**

Sec. 2. A plat showing streets, lots, blocks, or any subdivision of land in Indiana may not be:

- (1) approved by a county planning or zoning authority; or
- (2) accepted for transfer or recording by a county auditor or recorder; that has not been prepared or certified and sealed by the responsible professional surveyor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.20; P.L.57-2013, SEC.73.*

#### **IC 25-21.5-9-3**

##### **Maps; underground workings of mines**

Sec. 3. All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or professional surveyor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013,SEC.74.*

#### **IC 25-21.5-9-4**

##### **Limitations on practice**

Sec. 4. The practice of surveying does not permit a professional surveyor to design and construct sewage disposal stations, lift stations, or bridges or to prepare engineering plans for the construction of engineering projects other than those prescribed in IC 25-21.5-1-7.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.21; P.L.57-2013, SEC.75.*

#### **IC 25-21.5-9-5**

##### **Professional engineers; limitations on practice**

Sec. 5. The practice of surveying does not prohibit a professional engineer from doing work that does not involve the activities described in IC 25-21.5-1-7(b)(4) through IC 25-21.5-1-7(b)(8).

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997,SEC.22; P.L.57-2013, SEC.76.*

#### **IC 25-21.5-9-6**

##### **Employees**

Sec. 6. (a) A professional surveyor:

- (1) is personally responsible for designing and directing the training, procedures, and daily activities of an employee participating in any part of the survey; and
  - (2) shall maintain records that are reasonably necessary to establish that the responsibility of the professional surveyor for the employee that is required by this section has been fulfilled.
- (b) Before a professional surveyor completes, seals, or signs a survey, plan, specification, plat, drawing, or report, all procedures followed and the decisions made by the employee who participated in the survey, plan, specification, plat, drawing, or report must be reviewed and approved by the professional surveyor.

*As added by P.L.178-1997, SEC.23. Amended by P.L.57-2013,SEC.77.*

#### **IC 25-21.5-9-7**

##### **Land surveyor entry on land, water, or property**

Sec. 7. (a) As used in this section, "public utility" means a corporation, company, partnership, limited liability company, political subdivision (as defined in IC 36-1-2-13), individual, association of individuals, or their lessees, trustees, or receivers appointed by a court that own, operate, manage, or control any plant or equipment within Indiana for the:

- (1) conveyance of telephone messages;
- (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

(b) Subject to section 8 of this chapter and except as provided in subsection (c), a land surveyor and any personnel under the supervision of a land surveyor may enter upon, over, or under any land, water, or property within Indiana for the limited purpose of the practice of land surveying. The land surveyor and any personnel under the supervision of the land surveyor may not interfere with any construction, operation, or maintenance activity being conducted upon the land, water, or property by the owner or occupant.

(c) Notwithstanding subsection (b), a land surveyor and any personnel under the supervision of a land surveyor may not enter:

- (1) property owned or controlled by:
  - (A) the Indiana department of homeland security; or

(B) a public utility; or  
(2) a building, dwelling, or structure on the land or property.  
*As added by P.L.83-2011, SEC.1.*

#### **IC 25-21.5-9-8**

##### **Identification before entry; liability for damage**

Sec. 8. (a) To the extent practicable, before entering upon, over, or under any land, water, or property under section 7 of this chapter, a land surveyor and any personnel under the supervision of a land surveyor shall present written identification to the occupant of the land, water, or property.

(b) A land surveyor and any personnel under the supervision of a land surveyor is liable for any damage that may occur to the land, water, or property as a result of entry upon, over, or under the land, water, or property under section 7 of this chapter.

*As added by P.L.83-2011, SEC.2.*

#### **IC 25-21.5-11**

##### **Chapter 11. Injunctions**

#### **IC 25-21.5-11-1**

##### **Actions for unauthorized practice**

Sec. 1. The attorney general, the prosecuting attorney of a county, the board, or a citizen of a county where a person who is not exempted or a professional surveyor engages in the practice of surveying may file an action in the name of the state of Indiana to prohibit the person from engaging in the practice of surveying until a certificate of registration is secured or renewed under this article.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.24; P.L.57-2013, SEC.78.*

#### **IC 25-21.5-11-2**

##### **Violation of orders**

Sec. 2. A person who violates an order issued under section 1 of this chapter shall be punished for contempt of court. An order does not relieve a person who is engaged in the practice of surveying but who is not a professional surveyor from the requirement of registering under this article or exempt the person from criminal prosecution.

*As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.25; P.L.57-2013, SEC.79.*

#### **IC 25-21.5-11-3**

##### **Complaints; violations**

Sec. 3. A complaint for a violation of a provision of this chapter is sufficient if the complaint alleges that a person on a specific day:

- (1) engaged in the practice of surveying in Indiana;
- (2) did not have a valid certificate of registration; and
- (3) was not exempt from registration.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.80.*

#### **IC 25-21.5-11-4**

##### **Investigative fund; administration by attorney general and licensing agency; appropriation**

Sec. 4. (a) The professional surveyor and surveyor intern investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon professional surveyors and surveyor interns under IC 25-21.5-3-4(b).

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provision of this article.

*As added by P.L.194-2005, SEC.66. Amended by P.L.177-2006, SEC.6; P.L.57-2013, SEC.81.*

## **IC 25-21.5-12**

### **Chapter 12. Revocation and Suspension**

#### **IC 25-21.5-12-1**

##### **Procedures; disciplinary proceedings**

Sec. 1. The procedures under IC 4-21.5 govern the board's procedures for conducting disciplinary hearings and issuing subpoenas for witnesses and other evidence.

*As added by P.L.23-1991, SEC.12.*

## **IC 25-21.5-13**

### **Chapter 13. Actions and Violations**

#### **IC 25-21.5-13-1**

##### **Filing charges**

Sec. 1. A person may file charges of fraud, deceit, gross negligence, incompetency, or unprofessional conduct against a registrant by presenting specific written charges verified by an affidavit that makes definite and specific charges of the facts against the holder of a certificate of registration under IC 25-1-7.

*As added by P.L.23-1991, SEC.12.*

#### **IC 25-21.5-13-2**

##### **Penalties**

Sec. 2. A person who:

- (1) engages in, or offers to engage in, the practice of surveying without being registered or exempted under Indiana law;
- (2) presents as the person's own the certificate of registration or the seal of another;
- (3) gives false or forged evidence of any kind to the board or to a board member in obtaining a certificate of registration;
- (4) impersonates any other registrant;
- (5) uses an expired, a suspended, or a revoked certificate of registration; or
- (6) otherwise violates this article; commits a Class B misdemeanor.

*As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.82.*

#### **IC 25-21.5-13-3**

##### **Legal advisor; use of investigative fund**

Sec. 3. (a) The attorney general shall act as the legal advisor for the board and provide any legal assistance necessary to carry out this article.

(b) The attorney general and the licensing agency may use the professional surveyor and surveyor intern investigative fund established by IC 25-21.5-11-4 to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

*As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.67; P.L.57-2013, SEC.83.*

#### **IC 25-21.5-13-4**

##### **Judicial review**

Sec. 4. An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5-5.

*As added by P.L.23-1991, SEC.12.*

## **TITLE 25. PROFESSIONS AND OCCUPATIONS**

## **IC 25-1**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **IC 25-1-1**

##### **Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required**

### **IC 25-1-1-1**

#### **Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

*(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.*

### **IC 25-1-1-2**

#### **License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

*(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)*

### **IC 25-1-1-3**

#### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

### **IC 25-1-1-4**

#### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

### **IC 25-1-1.1**

#### **Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons**

### **IC 25-1-1.1-1**

#### **Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

*(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.*

### **IC 25-1-1.1-2**

#### **Suspension or revocation of license or certificate; conviction for drug related offense**

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are

substantially similar to the elements of an offense described under subdivisions (1) through (12).

*As added by P.L. 67-1990, SEC. 7. Amended by P.L. 1-1991, SEC. 162;*

*P.L. 17-2001, SEC. 5; P.L. 151-2006, SEC. 10.*

### **IC 25-1-1.1-3**

#### **Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

*As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991, SEC. 1; P.L. 17-2001, SEC. 6; P.L. 1-2002, SEC. 94; P.L. 151-2006, SEC. 11.*

### **IC 25-1-1.2**

#### **Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons**

#### **IC 25-1-1.2-1**

##### **"Applicant" defined**

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

#### **IC 25-1-1.2-2**

##### **"Board" defined**

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education as established by IC 20-19-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.*

#### **IC 25-1-1.2-3**

##### **"Bureau" defined**

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.*

#### **IC 25-1-1.2-4**

##### **"Delinquent" defined**

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.*

#### **IC 25-1-1.2-5**

##### **"License" defined**

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

*As added by P.L.133-1995, SEC.19.*

#### **IC 25-1-1.2-6**

##### **"Practitioner" defined**

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L.133-1995, SEC.19.*

#### **IC 25-1-1.2-7**

##### **Order for suspension or denial of license; notice to practitioner; contents; reinstatement**

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.*

#### **IC 25-1-1.2-8**

##### **Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement**

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under



IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

#### **IC 25-1-1.2-9**

##### **Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

#### **IC 25-1-1.2-10**

##### **Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

#### **IC 25-1-2**

##### **Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

#### **IC 25-1-2-1**

##### **Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

*(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

## **IC 25-1-2-2**

### **Repealed**

*(Repealed by P.L.1-1990, SEC.247.)*

## **IC 25-1-2-2.1**

### **Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.

*As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6.*

## **IC 25-1-2-3**

### **Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

*(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

#### **IC 25-1-2-4**

##### **Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefore before the expiration of the first year for which the license was issued.

*(Formerly: Acts 1961, c.79, s.4.)*

#### **IC 25-1-2-5**

##### **Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

*(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.*

#### **IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.
- (36) Attorney general (only for the regulation of athlete agents).
- (37) Manufactured home installer licensing board.

(38) Home inspectors licensing board.

(39) State board of massage therapy.

(40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

*As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73.*

#### **IC 25-1-2-7**

##### **Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

*As added by P.L.37-1985, SEC.56.*

#### **IC 25-1-2-8**

##### **Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10

IC 16-19-5-2

IC 25-30-1-17

IC 33-42-2-1.

*As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.*

#### **IC 25-1-2-9**

##### **Repealed**

*(Repealed by P.L.194-2005, SEC.87.)*

#### **IC 25-1-3**

##### **Chapter 3. Civil Immunity of Regulatory Agencies**

#### **IC 25-1-3-1**

##### **Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

### **IC 25-1-3-2**

#### **Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

### **IC 25-1-3-3**

#### **Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

### **IC 25-1-3-4**

#### **Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

### **IC 25-1-4**

#### **Chapter 4. Continuing Education**

### **IC 25-1-4-0.2**

#### **"Approved organization" defined**

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

### **IC 25-1-4-0.3 Version a**

#### **"Board" defined**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) Indiana dietitians certification board (IC 25-14.5-2-1).

- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27-1).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) Indiana board of veterinary medical examiners (IC 25-38.1-2).

*As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101.*

#### **IC 25-1-4-0.3 Version b**

##### **"Board" defined**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27-1).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).

- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

*As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8.*

#### **IC 25-1-4-0.5**

##### **"Continuing education" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
  - (B) for a real estate appraiser:
    - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
    - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

*As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.*

#### **IC 25-1-4-0.6**

##### **"Practitioner" defined**

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

*As added by P.L.269-2001, SEC.3.*

#### **IC 25-1-4-0.7**

##### **Computation of designated time periods**

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
  - (2) a notice for the person is deposited in the United States mail.
- (d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of

that notice.

*As added by P.L.177-2009, SEC.12.*

#### **IC 25-1-4-1**

##### **Requirement**

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

*As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.*

#### **IC 25-1-4-2**

##### **Promotion**

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

*As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.*

#### **IC 25-1-4-3**

##### **Sworn statements of compliance; retention of copies of certificates of completion; audits**

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

*As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.*

#### **IC 25-1-4-3.2**

##### **Distance learning methods**

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

*As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.*

#### **IC 25-1-4-4**

##### **Hardship waiver**

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

*As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.*

#### **IC 25-1-4-5**

##### **Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements**

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).



- (b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
- (1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
  - (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
    - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of service of the notice.
    - (B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.
    - (C) Comply with all other provisions of this chapter.
- (c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.
- (d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).
- (e) The board shall:
- (1) reinstate a practitioner's license; or
  - (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);
- if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.
- As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.*

#### **IC 25-1-4-6**

##### **Failure to comply; denial of license renewal or reinstatement; penalties**

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

- (1) Provide the practitioner notice of noncompliance by certified mail.
  - (2) Deny the practitioner's application for license renewal or reinstatement.
- (b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:
- (1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).
  - (2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
  - (3) The practitioner otherwise complies with this chapter.

*As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.*

#### **IC 25-1-4-7**

##### **Credit hours**

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

*As added by P.L.157-2006, SEC.16.*

#### **IC 25-1-4-8**

##### **Rules**

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.157-2006, SEC.17.*

#### **IC 25-1-6**

##### **Chapter 6. Professional Licensing Agency Functions and Duties**

#### **IC 25-1-6-1**

##### **Centralization of staff, functions, and services**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.*

## **IC 25-1-6-2**

### **Definitions**

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8.*

## **IC 25-1-6-3**

### **Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of cosmetology examiners (IC 25-8-3-1).
- (5) State board of funeral and cemetery service (IC 25-15-9).
- (6) State board of registration for professional engineers (IC 25-31-1-3).
- (7) Indiana plumbing commission (IC 25-28.5-1-3).
- (8) Indiana real estate commission (IC 25-34.1).
- (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (11) State board of registration for land surveyors (IC 25-21.5-2-1).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11.*

## **IC 25-1-6-4**

### **Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application**

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) record keeping of board meetings, proceedings, and actions;
- (3) record keeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the

requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
  - (A) the law regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L. 222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3.*

## **IC 25-1-6-5**

### **Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for

procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4.*

#### **IC 25-1-6-5.5**

##### **Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

*As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L.194-2005, SEC.5.*

#### **IC 25-1-6-6**

##### **Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.*

#### **IC 25-1-6-7**

##### **Repealed**

*(Repealed by P.L.186-1990, SEC.17.)*

#### **IC 25-1-6-8**

##### **Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10.*

#### **IC 25-1-6-9**

##### **Repealed**

*(Repealed by P.L.186-1990, SEC.17.)*

#### **IC 25-1-6-10**

##### **Provision of Social Security numbers; access to numbers**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

## **IC 25-1-7**

### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

#### **IC 25-1-7-1 Version a**

##### **Definitions**

*Note: This version of section amended by P.L.1-2010, SEC.102, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.101, effective 7-1-2010.*

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State athletic commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 25-38.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(26) Occupational therapy committee (IC 25-23.5).

(27) Behavioral health and human services licensing board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State department of health, for out-of-state mobile health care entities.
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 222, SEC.4. Amended by Acts 1982, P.L. 113, SEC.12; P.L. 137-1985, SEC.7; P.L. 246-1985, SEC.15; P.L. 169-1985, SEC.29; P.L. 149-1987, SEC.21; P.L. 257-1987, SEC.15; P.L. 242-1989, SEC.6; P.L. 234-1989, SEC.3; P.L. 238-1989, SEC.6; P.L. 1-1990, SEC.249; P.L. 186-1990, SEC.5; P.L. 183-1991, SEC.3; P.L. 23-1991, SEC.9; P.L. 48-1991, SEC.16; P.L. 1-1992, SEC.130; P.L. 30-1993, SEC.5; P.L. 227-1993, SEC.5; P.L. 213-1993, SEC.2; P.L. 8-1993, SEC.371; P.L. 33-1993, SEC.11; P.L. 1-1994, SEC.120; P.L. 124-1994, SEC.4; P.L. 234-1995, SEC.3; P.L. 175-1997, SEC.5; P.L. 147-1997, SEC.8; P.L. 84-1998, SEC.3; P.L. 24-1999, SEC.4; P.L. 82-2000, SEC.4; P.L. 162-2002, SEC.4; P.L. 145-2003, SEC.4; P.L. 185-2007, SEC.4; P.L. 193-2007, SEC.4; P.L. 200-2007, SEC.5; P.L. 3-2008, SEC.178; P.L. 134-2008, SEC.16; P.L. 1-2009, SEC.138; P.L. 122-2009, SEC.5; P.L. 160-2009, SEC.7; P.L. 1-2010, SEC.102.*

## **IC 25-1-7-1 Version b**

### **Definitions**

*Note: This version of section amended by P.L. 84-2010, SEC.12, effective 7-1-2010. See also preceding version of this section amended by P.L. 1-2010, SEC.102, effective until 7-1-2010, and following version of this section amended by P.L. 113-2010, SEC.101, effective 7-1-2010.*

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1).
- (21) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (22) Respiratory care committee (IC 25-34.5).

- (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (24) Occupational therapy committee (IC 25-23.5).
- (25) Behavioral health and human services licensing board (IC 25-23.6).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Indiana dietitians certification board (IC 25-14.5-2-1).
- (31) Indiana physical therapy committee (IC 25-27).
- (32) Manufactured home installer licensing board (IC 25-23.7).
- (33) Home inspectors licensing board (IC 25-20.2-3-1).
- (34) State department of health, for out-of-state mobile health care entities.
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12.*

## **IC 25-1-7-1 Version c**

### **Definitions**

*Note: This version of section amended by P.L.113-2010, SEC.101, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.102, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010.*

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).

- (20) Indiana real estate commission (IC 25-34.1-2).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1).
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Respiratory care committee (IC 25-34.5).
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5).
- (26) Behavioral health and human services licensing board (IC 25-23.6).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana hypnotist committee (IC 25-20.5-1-7).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State department of health, for out-of-state mobile health care entities.
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.113-2010, SEC.101.*

## **IC 25-1-7-2**

### **Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

*As added by Acts 1981, P.L.222, SEC.4.*

## **IC 25-1-7-3**

### **Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

*As added by Acts 1981, P.L.222, SEC.4.*

## **IC 25-1-7-4**

### **Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L.222, SEC.4.*

## **IC 25-1-7-5**

### **Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring



jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11.*

#### **IC 25-1-7-6**

##### **Statement of settlement; period to resolve**

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12.*

#### **IC 25-1-7-7**

##### **Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-8**

##### **Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-9**

##### **Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **IC 25-1-7-10**

##### **Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.*

#### **IC 25-1-7-11**

##### **Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12**

##### **Reimbursement of attorney general**

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13**

##### **Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

#### **IC 25-1-7-14**

##### **Cease and desist orders**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing,

certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

*As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.*

## **IC 25-1-8**

### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

#### **IC 25-1-8-1 Version a**

##### **"Board" defined**

*Note: This version of section amended by P.L.1-2010, SEC.103, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).

(38) State board of massage therapy (IC 25-21.8-2-1).

(39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103.*

## **IC 25-1-8-1 Version b**

### **"Board" defined**

*Note: This version of section amended by P.L.84-2010, SEC.14, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2-1).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (21) Department of insurance (IC 27-1).
- (22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5-2-1).
- (26) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Board of podiatric medicine (IC 25-29-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State board of massage therapy (IC 25-21.8-2-1).
- (37) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6;*

P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14.

## **IC 25-1-8-1 Version c**

### **"Board" defined**

*Note: This version of section amended by P.L.113-2010, SEC.102, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2-1).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (22) Department of insurance (IC 27-1).
- (23) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (24) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (25) Private investigator and security guard licensing board (IC 25-30-1.5-2).
- (26) Occupational therapy committee (IC 25-23.5-2-1).
- (27) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Board of podiatric medicine (IC 25-29-2-1).
- (33) Indiana dietitians certification board (IC 25-14.5-2-1).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.113-2010, SEC.102.*

#### **IC 25-1-8-1.1**

##### **Repealed**

*(Repealed by P.L.19-1986, SEC.43.)*

#### **IC 25-1-8-2**

##### **Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than twenty-five dollars (\$25) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.*

#### **IC 25-1-8-3**

##### **Quadrennial license or registration cycle; refunds**

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L.113, SEC.14.*

#### **IC 25-1-8-4**

##### **Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L.234-1983, SEC.3.*

#### **IC 25-1-8-5**

##### **Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or

registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

#### **IC 25-1-8-6 Version a**

##### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) Indiana board of veterinary medical examiners (IC 25-38.1).
- (36) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L. 269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104.*

### **IC 25-1-8-6 Version b**

#### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- (33) State board of massage therapy (IC 25-21.8-2-1).



- (b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.
- (c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:
- (1) Submission of the holder's completed renewal application.
  - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
  - (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
  - (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
    - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
    - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:
- (1) Submission of the holder's completed renewal application.
  - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
  - (3) Payment of a reinstatement fee equal to the current initial application fee.
  - (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
    - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
    - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
  - (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
  - (6) Any other requirement that is provided for in statute or rule that is not related to fees.
- As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15.*

#### **IC 25-1-8-7**

##### **Repealed**

*(Repealed by P.L. 157-2006, SEC.76.)*

#### **IC 25-1-8-8**

##### **Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
- (2) Reinstatement the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
- (3) Reinstatement the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged

in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

*As added by P.L. 197-2007, SEC. 21.*

## **IC 25-1-11**

### **Chapter 11. Professional Licensing Standards of Practice**

#### **IC 25-1-11-1 Version a**

##### **"Board" defined**

*Note: This version of section amended by P.L. 84-2010, SEC. 18. See also following version of this section amended by P.L. 113-2010, SEC. 103.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State athletic commission (IC 25-9-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 2-1995, SEC. 93; P.L. 234-1995, SEC. 5; P.L. 82-2000, SEC. 6; P.L. 162-2002, SEC. 6; P.L. 145-2003, SEC. 6; P.L. 185-2007, SEC. 7; P.L. 200-2007, SEC. 7; P.L. 3-2008, SEC. 181; P.L. 160-2009, SEC. 10; P.L. 84-2010, SEC. 18.*

#### **IC 25-1-11-1 Version b**

##### **"Board" defined**

*Note: This version of section amended by P.L. 113-2010, SEC. 103. See also preceding version of this section amended by P.L. 84-2010, SEC. 18.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State board of cosmetology examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).

- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.113-2010, SEC.103.*

#### **IC 25-1-11-2**

##### **"Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.*

#### **IC 25-1-11-3**

##### **"License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-4**

##### **"Person" defined**

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.*

#### **IC 25-1-11-5**

##### **Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception**

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services or goods in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
  - (B) is harmful to the public;
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the

public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.*

#### **IC 25-1-11-6**

##### **Architect or landscape architect; grounds for disciplinary sanctions**

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-7**

##### **Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-8**

##### **Barbers; grounds for disciplinary sanctions**

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9**

##### **Engineers or land surveyors; grounds for disciplinary sanctions**

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9.5**

##### **Repealed**

*(Repealed by P.L.194-2005, SEC.87.)*

#### **IC 25-1-11-10**

##### **Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.*

#### **IC 25-1-11-11**

##### **Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-12**

##### **Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
  - (A) report regularly to the board upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the board;
  - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17.*

#### **IC 25-1-11-13**

##### **Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

- (1) a hearing by the board to suspend the practitioner's license; and
- (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.*

#### **IC 25-1-11-14**

##### **Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

#### **IC 25-1-11-15**

##### **Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-16**

##### **Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-17**

##### **Surrender of practitioner license; surrender prohibited if attorney general opposes**

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

- (1) has filed an administrative complaint concerning the practitioner's license; and
- (2) opposes the surrender of the practitioner's license.

*As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.*

#### **IC 25-1-11-18**

##### **Costs; practitioners subject to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.

- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

*As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.*

#### **IC 25-1-11-19**

##### **Refusal to issue license; probationary license; requirements**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

#### **IC 25-1-11-20**

##### **Appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L.194-2005, SEC.10.*

#### **IC 25-1-11-21**

##### **Authority to adopt rules**

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L.144-2007, SEC.26.*

#### **IC 25-1-12**

##### **Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

#### **IC 25-1-12-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

(1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and

(2) is called to active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.*

**IC 25-1-12-2****"Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

*As added by P.L.88-2004, SEC.2.*

**IC 25-1-12-3****"Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the Army;
- (2) the Navy;
- (3) the Air Force;
- (4) the Coast Guard;
- (5) the Marine Corps; or
- (6) the Merchant Marine.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.64.*

**IC 25-1-12-4****"National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L.88-2004, SEC.2.*

**IC 25-1-12-5****"Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

**IC 25-1-12-6****Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out of state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.

(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out of state on active duty, and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out of state active duty by providing a copy of the practitioner's:

- (A) discharge; or
- (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the



practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.65.*

#### **IC 25-1-12-7**

##### **Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.  
*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-8**

##### **Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-14**

##### **Chapter 14. Meetings**

#### **IC 25-1-14-1**

##### **Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-2**

##### **Participation by member not physically present at meeting**

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) except as provided in subsection (b), at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11; P.L.113-2010, SEC.104.*

#### **IC 25-1-14-3**

##### **Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-4**

##### **Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter;

and

- (3) each member who was absent.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-16**

##### **Chapter 16. Evaluation of Regulated Occupations**

#### **IC 25-1-16-1**

##### **"Agency"**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-2**

##### **"Board"**

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-3**

##### **"Committee"**

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-4**

##### **"License"**

Sec. 4. As used in this chapter, "license" means:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the regulated occupation in question.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-5**

##### **"Regulated occupation"**

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-6**

##### **Regulated occupations evaluation committee established**

Sec. 6. The regulated occupations evaluation committee is established.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-7**

##### **Members; terms; votes**

Sec. 7. (a) The committee consists of the following individuals:

- (1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.
- (2) The director of the agency or the director's designee.
- (3) The attorney general or the attorney general's designee, as a nonvoting member.
- (4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.
- (5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-8**

##### **Review and evaluation of regulated occupations; report**

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates.

The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-9**

##### **Cooperation with committee; testimony**

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-10**

##### **Review schedule**

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-11**

##### **Staff; expenditures**

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

*As added by P.L.84-2010, SEC.19.*

## **IC 25-1-16-12**

### **Member reimbursement**

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.84-2010, SEC.19.*

## **IC 25-1-16-13**

### **Annual report**

Sec. 13. The committee shall submit a report to the:

- (1) governor;
- (2) health finance commission; and
- (3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

*As added by P.L.84-2010, SEC.19.*

## **TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS**

*NOTE: Originally adopted by the State Board of Registration for Professional Engineers and Land Surveyors. Name changed by P.L.23-1991, SECTION 42, effective July 1, 1991. Wherever in any promulgated text there appears a reference to State Board of Registration for Professional Engineers and Land Surveyors, substitute State Board of Registration for Land Surveyors.*

## **ARTICLE 1. GENERAL PROVISIONS**

### **Rule 1. General Provisions**

#### **865 IAC 1-1-1 Definitions; abbreviations**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-1-5; IC 25-21.5-5-2; IC 25-21.5-7-4

Sec. 1. The definitions in IC 25-21.5-1 and the following definitions apply throughout this title:

- (1) "Applicant" means any individual whose application has been received by the board for consideration to be registered as a land surveyor or for enrollment as a SIT in the state of Indiana.
- (2) "Approved land surveying curriculum", when used relative to a land surveyor or SIT applicant, means a four (4) year or more curriculum leading to a bachelor's degree in land surveying that is approved by the board.
- (3) "Board" means state board of registration for land surveyors.
- (4) "Comity" means a principle by which the board, under IC 25-21.5-7-4, licenses persons to practice land surveying on the basis of land surveying licenses issued by other states.
- (5) "Date of registration" means the date of the certificate that was assigned by the board.
- (6) "Land surveyor" means a registered land surveyor.
- (7) "Registrant" means an individual land surveyor to whom a certificate of registration has been granted under IC 25-21.5.
- (8) "SIT" means an enrolled land-surveyor-in-training as defined in IC 25-21.5-1-5.
- (9) "Valid enrollment", when used relative to SIT, means that the certificate of enrollment held by the individual is current and not suspended or revoked.
- (10) "Work experience", when used relative to a land surveyor, means acceptable experience in land surveying work that conforms to IC 25-21.5-5-2.

*(State Board of Registration for Land Surveyors; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3904; filed Oct 13, 1992, 5:00 p.m.: 16 IR 873; readopted filed May 22, 2001,*

*9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 2998) NOTE: 864 IAC 1.1-1-1 was renumbered by Legislative Services*

*Agency as 865 IAC 1-1-1.*

#### **865 IAC 1-1-2 Meetings of board**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-2-11

Sec. 2. In order to establish the regular meetings provided for in IC 25-21.5-2-11 and provide for special meetings of the board, the board adopts the following:

(1) One (1) of the regular meetings of the board shall be held as soon as practicable after the start of the calendar year, at which meeting the board shall elect a chairperson and a vice chairperson from among its members. The chairperson and vice chairperson may also be elected at any other meeting when a vacancy exists.

(2) The chairperson or any three (3) members may call a special meeting by presenting a request to the Indiana professional licensing agency.

(3) The Indiana professional licensing agency shall give a notice to all board members of each meeting:

(A) setting out the time and place of the meeting; and

(B) including a proposed agenda of the major items for action at the meeting;

not less than ten (10) days before the meeting, unless the notice has been waived by the chairperson.

(State Board of Registration for Land Surveyors; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 627; filed Oct 17, 1986, 2:20 p.m.: 10 IR 435; filed Oct 13, 1992, 5:00 p.m.: 16 IR 874; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 2999) NOTE: 864 IAC 1.1-1-3 was renumbered by Legislative Services Agency as 865 IAC 1-1-2.

### **865 IAC 1-1-3 Conversion of quarter hours to semester hours**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5-2

Sec. 3. Any provision in this article that requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours. (State Board of Registration

for Land Surveyors; 865 IAC 1-1-3; filed Jun 17, 1999, 1:57 p.m.: 22 IR 3415; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237;

readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA)

## **Rule 2. Qualifications for Examination**

### **865 IAC 1-2-1 Land surveyors; education and work experience**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-1-7; IC 25-21.5-5-2

Sec. 1. (a) This section establishes the minimum education and experience requirements under IC 25-21.5-5-2 for admission to the land surveyor examination.

(b) Prior to January 3, 2009, the table in this subsection establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-21.5-5-2 for land surveyor registration applicants. For all levels of education stated, except for no degree, the required experience must be obtained following

receipt of a bachelor's degree. However, experience obtained either before or after graduation may be counted in which case the total

amount of experience for each educational level stated in the table, except no degree, shall be increased by one (1) year in addition

to the amount stated for the particular education level. The requirements are as follows:

#### **Education**

#### **Minimum Years of Work Experience**

Doctorate in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	2
Master's degree in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	3
Bachelor's degree in a board-approved land surveying curriculum	4
Doctorate in land surveying following a bachelor's degree that is not in a board-approved land surveying Curriculum	3
Master's degree in land surveying following bachelor's degree that is not in a board-approved land surveying curriculum	4
Bachelor's degree that is not in a board-approved land surveying curriculum	5

No degree but meets the college course requirements stated in subsection (d) 6

(c) After January 2, 2009, the table in this subsection establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-21.5-5-2 for land surveyor registration applicants. For all levels of education stated, a minimum of one-half (½) of the required experience must be obtained following receipt of the first degree obtained. The requirements are as follows:

Education

	<u>Minimum Years of Work Experience</u>
Doctorate in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	2
Master's degree in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	3
Bachelor's degree in a board-approved land surveying curriculum	4
Doctorate in land surveying following a bachelor's degree that is not in a board-approved land surveying curriculum	3
Master's degree in land surveying following bachelor's degree that is not in a board-approved land surveying curriculum	4
Bachelor's degree that is not in a board-approved land surveying curriculum	5
Associate degree and meets the college course requirements stated in subsection (d)	6

(d) The education of all applicants must include the following minimum level of education:

(1) Twelve (12) semester credit hours in college level mathematics, including at least a three (3) semester credit hour course in calculus or differential equations.

(2) Five (5) semester credit hours in college level physics.

(3) Six (6) semester credit hours in any of the following college level science subjects:

(A) Chemistry.

(B) Astronomy.

(C) Physics.

(D) Geology.

(E) Botany.

(F) Dendrology.

(4) Twenty-seven (27) semester credit hours in college level land surveying courses consisting of the following:

(A) Courses in each of the following six (6) subjects totaling at least eighteen (18) semester credit hours:

(i) Land survey systems.

(ii) Property surveys.

(iii) Property descriptions, writing, and analysis.

(iv) Surveying law.

(v) Surveying calculations, including mensuration statistics.

(vi) Subdivision planning and design.

(B) Courses in at least three (3) of the following subjects totaling at least nine (9) semester credit hours:

(i) Topographic surveying.

(ii) Photogrammetric surveying.

(iii) Route surveying.

(iv) Construction surveying.

(v) Control surveying.

One (1) basic engineering course related to roads, storm drainage, and sanitary sewer extensions may be counted toward the requirements of this clause.

(e) No degree requirement under this section will be satisfied by obtaining an honorary or correspondence degree.

(f) College courses with a substantial duplication of content may be counted only one (1) time toward the education requirements in this section.

(g) Applicants for land surveyor registration or land-surveyor-in-training certification may be required to submit detailed course descriptions of any courses for which credit is claimed.

(h) Notwithstanding other provisions of this section, applicants who hold a valid land-surveyor-in-training certificate do not need any additional education beyond that required for admission to the land-surveyor-in-training examination, so long as they apply

for admission to the land surveyor examination not later than five (5) years after the first examination application deadline (as provided for in 865 IAC 1-3-3) subsequent to the date the applicant passed the land-surveyor-in-training examination that was the

basis for issuance of the land-surveyor-in-training certification.

(i) The board may require an evaluation of foreign education to allow the board to compare an applicant's courses with the board's course requirements.

(j) All land surveying experience required by subsection (b) or subsection (c) [subsection (b) or (c)] must be acquired under the supervision of:

(1) a land surveyor registered by the state of Indiana;

(2) a land surveyor registered or licensed by another state or territory of the United States; or

(3) the foreign equivalent to a registered land surveyor;

appropriate to where the experience was obtained.

(k) No experience obtained before the applicant's eighteenth birthday shall qualify under this section.

(l) At least one-half (½) of the required land surveying experience must be acquired in a state or territory in the United States under the supervision of a land surveyor registered in that state or territory.

(m) The land surveying experience must:

(1) be progressive in nature; and

(2) show that the applicant has demonstrated the ability to assume continuously increasing levels of responsibility and sophistication in the land surveying activities listed in 865 IAC 1-12-3(a).

(n) At least sixty percent (60%) of an applicant's land surveying experience required under subsection (b) or subsection (c) [subsection (b) or (c)] must be in the activities listed in the following:

(1) IC 25-21.5-1-7(a)(1).

(2) IC 25-21.5-1-7(a)(3) through IC 25-21.5-1-7(a)(5).

(o) The board may require an applicant to provide additional information relating to the applicant's land surveying experience.

*(State Board of Registration for Land Surveyors; Rule 2, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 436; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Oct 13, 1992, 5:00 p.m.: 16 IR 874; filed Jun 17, 1999, 1:57 p.m.: 22 IR 3415,*

*eff Jan 3, 2003; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 2999) NOTE: 864 IAC 1.1-2-3 was renumbered by Legislative Services Agency as 865 IAC 1-2-1.*

## **865 IAC 1-2-2 Land-surveyors-in-training; education and work experience**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5-3

Sec. 2. (a) The education and experience requirements of section 1 of this rule for land surveyor applicants apply for landsurveyor-

in-training applicants, except that applicants with:

(1) an associate (or no degree prior to January 3, 2009) degree and meeting the education requirements of section 1(d) of this rule shall be required to obtain two (2) years of work experience;

(2) a bachelor's degree that is not in a board approved land surveying curriculum and meeting the education requirements of section 1(d) of this rule shall be required to obtain one (1) year of work experience; and

(3) the other degrees listed in section 1(b) or 1(c) of this rule shall not be required to obtain any work experience.

(b) An applicant who is enrolled as a senior in a land surveying curriculum in a college or university that has an approved land surveying curriculum may take the last land-surveyor-in-training examination offered on the individual's campus before the applicant's scheduled graduation. This subsection does not apply to any applicant enrolled in any other bachelor's degree program.

*(State Board of Registration for Land Surveyors; Rule 2, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Oct 13, 1992, 5:00 p.m.: 16 IR 875; filed Jun 17, 1999, 1:57 p.m.: 22 IR 3417,*

*eff Jan 3, 2003; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3001) NOTE: 864 IAC 1.1-2-5 was renumbered by Legislative Services Agency as 865 IAC 1-2-2.*

### **Rule 3. Applications**

#### **865 IAC 1-3-1 Land surveyor application**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) The board shall require at least three (3) favorable reports of the land surveying applicant's competence from registered land surveyors familiar with the applicant's land surveying work before admitting the applicant to examination. (*State Board of Registration for Land Surveyors; Rule 3, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 629; filed Oct 17, 1986, 2:20 p.m.: 10*

*IR 439; filed Oct 13, 1992, 5:00 p.m.: 16 IR 875; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007,*

*3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-3-2 was renumbered by Legislative Services Agency as 865 IAC 1-3-1.*

#### **865 IAC 1-3-2 Land-surveyor-in-training; application**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 2. (a) A student enrolled in an approved land surveying curriculum may submit the application to sit for the land-surveyor-in-training examination to the designee of the board, if any, located on the student's campus.

(b) All other applicants shall submit their applications to the board's office. (*State Board of Registration for Land Surveyors; Rule 3, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Oct 13, 1992, 5:00 p.m.: 16 IR 875; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3001; readopted filed Oct 4, 2007,*

*3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-3-3 was renumbered by Legislative Services Agency as 865 IAC 1-3-2.*

#### **865 IAC 1-3-3 Examination applicants filing dates**

Authority: IC 25-21.5-2-14

Affected: IC 4-21.5-3-1; IC 25-21.5

Sec. 3. (a) Completed examination applications including:

(1) the applicable application fee;

(2) certified copy of educational transcripts; and

(3) required references;

shall be filed with the board on or before January 1 for the April examination or July 1 for the October examination.

(b) As used in this section, the date an application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f).

(*State Board of Registration for Land Surveyors; 865 IAC 1-3-3; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA)*

### **Rule 4. Examinations**

#### **865 IAC 1-4-1 Scope of rule**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. This rule applies to the taking of examinations for registration as a land surveyor, and certification as a land-surveyor-in-training. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-1; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-4.1-1 was renumbered by Legislative Services Agency as 865 IAC 1-4-1.*

#### **865 IAC 1-4-2 Admission to examinations**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5

Sec. 2. The board will admit an applicant to an examination only if the applicant otherwise qualifies for the registration or certification for which application has been made including meeting the applicable education and experience requirements established

in IC 25-21.5-5 and 865 IAC 1-2. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-2; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4,*



2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-4.1-2 was renumbered by Legislative Services Agency as 865 IAC 1-4-2.

#### **865 IAC 1-4-3 Content of land surveying examinations; scheduling of examinations**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-6-1

Sec. 3. (a) The examination for registration as a land surveyor shall consist of two (2) parts as described in IC 25-21.5-6-1.

Part I shall be known as the basic disciplines (fundamentals of land surveying) examination. Part II shall be:

(1) known as the principles and practice examination; and

(2) divided into two (2) sections.

Section A shall consist of matters concerning principles and practice except for laws applicable to land surveying specific to Indiana.

Section B shall concern laws applicable to land surveying specific to Indiana. In order to be granted registration as a land surveyor, the applicant must pass Part I, Part IIA, and Part IIB.

(b) The examination for certification as a land-surveyor-in-training shall be the basic disciplines examination described in subsection (a).

(c) Regularly scheduled examinations will be held in April and October each year. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-3; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3002; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-4.1-4 was renumbered by Legislative Services Agency as 865 IAC 1-4-3.

#### **865 IAC 1-4-4 Notice of examination; failure to sit**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-6-1

Sec. 4. (a) If admission to an examination is granted, those parts of the examination which the applicant will be required to take and pass will be stated on a notice sent to the applicant.

(b) An applicant who has received the notice described in subsection (a) must take either the examination to which admission was granted or one (1) of the next two (2) examinations thereafter. If the applicant fails to sit for at least one (1) of the three (3) examinations, the application for the registration or certification being sought shall be deemed terminated and, if the applicant thereafter desires to seek the registration or certification for which application had been made, a new application must be filed with,

and approved by, the board. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-4; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; readopted filed May 22, 2001, 9:55 a.m.:*

*24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-4.1-5 was renumbered by Legislative Services Agency as 865 IAC 1-4-4.

#### **865 IAC 1-4-5 Exemption from Part I of examination for land-surveyor-in-training**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 5. (a) An applicant for registration as a land surveyor who holds a valid certificate as a land-surveyor-in-training shall be exempt from Part I of the examination for land surveyors. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-5; filed*

*Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237;*

*readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-4.1-6 was renumbered by Legislative Services Agency as 865 IAC 1-4-5.

#### **865 IAC 1-4-6 Examination attempts for registration as a land surveyor**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 6. (a) This section and section 7 of this rule apply to the examination for registration as a land surveyor.

(b) An applicant who does not pass the entire examination in the first attempt shall be entitled to take it two (2) additional times

provided that both of the applicant's additional examinations are taken no later than the fourth regularly scheduled examination after the failure of the first examination.

(c) An applicant who passes one (1) or two (2) parts of the land surveyor examination:

- (1) Part I;
- (2) Part IIA; or
- (3) Part IIB;

in any prior taking of the examination allowed under subsection (b), shall not be required to again take and pass that part or those

parts in the remaining examination attempts allowed by subsection (b).

(d) Upon exhaustion of all of the examination attempts allowed under subsection (b), the application shall be deemed

terminated. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-6; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24,*

*1989, 5:00 p.m.: 12 IR 2284; filed Oct 13, 1992, 5:00 p.m.: 16 IR 877; filed May 4, 2001, 11:10 a.m.: 24 IR 2696, eff Jul 1, 2001; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3002; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-4.1-7 was renumbered by Legislative Services Agency as 865 IAC 1-4-6.*

### **865 IAC 1-4-7 Terminated applications; reapplication for admission, qualifications**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5-2

Sec. 7. (a) An individual whose application has been deemed terminated under section 6(d) of this rule may reapply for admission to the examination.

(b) In order for readmission to be granted, the applicant must have completed the following:

- (1) Since the termination of the application, nine (9) or more semester hours credit (or its equivalent) of college level courses in land surveying.
- (2) Appropriate experience of the type required under IC 25-21.5-5-2 for the period of at least three (3) years after termination but before the filing of the reapplication.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously taken the examination for all purposes under sections 4 and 6 of this rule. However, if the applicant has previously passed Part I of

the land surveyor examination, the applicant shall not be required to retake Part I. (*State Board of Registration for Land Surveyors;*

*865 IAC 1-4-7; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Oct 13, 1992, 5:00 p.m.: 16 IR 877; filed May 4, 2001, 11:10 a.m.: 24 IR 2696, eff Jul 1, 2001; readopted filed*

*May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3002; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-*

*IR-865070064RFA) NOTE: 864 IAC 1.1-4.1-8 was renumbered by Legislative Services Agency as 865 IAC 1-4-7.*

### **865 IAC 1-4-8 Examination attempts for certification as a land-surveyor-in-training**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 8. (a) This section applies to the examination for certification as a land-surveyor-in-training.

(b) An applicant who does not pass the entire examination in the first attempt shall be entitled to take it two (2) additional times provided that both of the applicant's additional examinations are taken no later than the fourth regularly scheduled examination after

the failure of the first examination. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33*

*p.m.: 26 IR 1105; filed May 4, 2006, 1:25 p.m.: 29 IR 3003; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA)*

*NOTE: 864 IAC 1.1-4.1-9 was renumbered by Legislative Services Agency as 865 IAC 1-4-8.*

### **865 IAC 1-4-9 Examination grades; review of examination; retention of answer sheets (Repealed)**

Sec. 9. (*Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026)*

## **Rule 5. Comity Registration**

### **865 IAC 1-5-1 Comity registration standards**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-7-4

Sec. 1. An applicant for comity registration who meets the current Indiana registration requirements as found in IC 25-21.5 and this title shall be deemed to meet the requirements of IC 25-21.5-7-4. (*State Board of Registration for Land Surveyors; Rule 5,*

*Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3003*) NOTE: 864 IAC 1.1-5-1 was renumbered by Legislative Services Agency as 865 IAC 1-5-1.

### **865 IAC 1-5-2 Land surveyor applicant**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 2. A land surveyor:

- (1) registered in another state;
- (2) making application for registration in Indiana; and
- (3) otherwise qualified;

shall be assigned Part IIB of the land surveyor examination as described in 865 IAC 1-4-3. (*State Board of Registration for Land Surveyors; Rule 5, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 631; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2285; filed Oct 13, 1992, 5:00*

*p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3003*) NOTE: 864 IAC 1.1-5-3 was renumbered by Legislative Services Agency as 865 IAC 1-5-2.

## **Rule 6. Certificates**

### **865 IAC 1-6-1 Registration of engineer or land surveyor**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-15

Sec. 1. (a) Failure of the applicant to pay the certificate fee will cause the application to be terminated one year after the board's action granting registration. If the certificate fee has not been paid before the commencement date of the next biennial renewal period

the amount of the next renewal fee and the delinquent fee shall be paid in addition to the certificate fee in order to complete registration and validate it during the following renewal period;

(b) The professional licensing agency is authorized to issue, upon the request of a registrant and the payment of the prescribed fee, a duplicate or replacement certificate. Such new certificate shall be assigned the original certificate number with the word "Reissue"

inserted above the number and shall be signed by the current board members. (*State Board of Registration for Land Surveyors; Rule 6, Sec 2; filed Feb 29, 1980, 3:40 pm: 3 IR 631; filed Oct 17, 1986, 2:20 pm: 10 IR 441; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-6-2 was renumbered

by Legislative Services Agency as 865 IAC 1-6-1.

## **Rule 7. Registrant's Seal**

### **865 IAC 1-7-1 Design and contents of seal**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) The land surveyor seal shall be not less than one and five-eighths (1e) inches or more than one and seven-eighths (1f) inches in outside diameter, using the following design:

(b) The seal may:

(1) be:

(A) embossed;

(B) stamped; or  
(C) electronically applied;  
in conformance with the design as shown in subsection (a); and  
(2) have:  
(A) a milled edge, as shown in subsection (a); or  
(B) two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.  
(c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration. (*State Board of Registration for Land Surveyors; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3004*) NOTE: 864 IAC 1.1-7-2 was renumbered by Legislative Services Agency as 865 IAC 1-7-1.

### **865 IAC 1-7-2 Application of seal; signature**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 2. (a) The seal shall be affixed to documents and instruments only:

(1) during the time the certificate of registration:

(A) is current; and

(B) has not been suspended or revoked; and

(2) on documents and instruments that have been created by the:

(A) registrant; or

(B) regularly employed and directly supervised subordinates of the registrant.

The registrant shall be responsible for seeing that the seal, however affixed, shall be legible on the document.

(b) Whenever a registrant affixes the seal, the document shall have the:

(1) registrant's signature; and

(2) date the seal is being affixed;

directly adjacent but not across, the seal.

(c) As an alternative to placing the items required by subsection (b) directly adjacent to the seal, the items may be at another location on the sheet provided the sheet is otherwise properly certified.

(d) When a registrant is in responsible charge of land surveying work for which one (1) or more:

(1) specifications;

(2) plans; and

(3) drawings;

are required to be submitted for review by a governmental body, the registrant shall apply the seal in the full manner required by this

section on each page of all drawings or plans and on the title page of all specifications.

(e) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:

(1) specifications;

(2) plans; or

(3) drawings;

shall affix the seal in the manner required by this section on all title pages and on all pages on which the registrant's work appears.

(f) When affixing the seal under the requirements of subsection (e), the registrant shall denote the registrant's part of the work by inserting below the registrant's signature and date, the following:

COVERING \_\_\_\_\_ DESIGN.

(*State Board of Registration for Land Surveyors; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Oct 13, 1992, 5:00 p.m.: 16 IR 879; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3004*) NOTE: 864 IAC 1.1-7-3 was renumbered by Legislative Services Agency as 865 IAC 1-7-2.

### **865 IAC 1-7-3 Use of seal and signature; acceptance of full responsibility**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 3. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a

limited responsibility for portions of the work in accordance with section 2(e) of this rule.

(b) A registrant may include in the registrant's plans certain products that have become established as acceptable for the proposed use when the items:

- (1) meet standards established by nonprofit trade organizations;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;
- (3) are mechanical or other types of machinery or systems guaranteed by a reputable manufacturer; or
- (4) do not affect the safety of the project.

*(State Board of Registration for Land Surveyors; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 13, 1992, 5:00 p.m.: 16 IR 879; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1882; filed May 4, 2006,*

*1:25 p.m.: 29 IR 3004) NOTE: 864 IAC 1.1-7-4 was renumbered by Legislative Services Agency as 865 IAC 1-7-3.*

### **865 IAC 1-7-4 Use of electronic or digital signatures**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 4. (a) This section establishes the requirements for the use of seals and signatures in electronic transactions.

(b) The following definitions apply throughout this section:

(1) "Document" means a:

- (A) report;
- (B) specification;
- (C) drawing;
- (D) plan; or
- (E) plat;

in physical form pertaining to land surveying that requires certification by a registered land surveyor by application of a seal or stamp, a signature, and a date.

(2) "Electronic document" means an electronic data file that is capable of being:

- (A) viewed by use of a computer and video monitor; or
- (B) converted into a document by use of a computer and printer or plotter.

(3) "Electronic seal" means a digital facsimile of an original seal.

(4) "Electronic signature" means a digital signature associated with an electronic document that shall carry the same:

- (A) weight;
- (B) authority; and
- (C) effect;

as an original signature.

(5) "Electronic transmission" means the transmission of electronic data files from one (1) computer to another. The term includes the manual delivery of electronic data storage media from one (1) person or entity to another.

(6) "Original seal" means a:

- (A) rubber stamp;
- (B) electronic stamp; or
- (C) embossing seal;

meeting the design requirements set out in section 1 of this rule.

(7) "Original signature" means the signature of a registrant affixed to a document in accordance with section 2 of this rule.

(8) "Registrant" has the meaning set forth in 865 IAC 1-1-1(7).

(9) "Signature" means either:

- (A) original; or
  - (B) electronic;
- signature.

(c) An electronic signature and seal shall be permitted in place of an original seal and signature when the following criteria are met:

- (1) The electronic signature and seal are as follows:

(A) The unique identification of the registrant.  
 (B) Verifiable.  
 (C) Attached to or associated with the electronic document in such a manner that is clear to the recipient that they represent the signature and seal of the registered land surveyor.  
 (2) The electronic signature is under the registrant's direct control.  
 (3) The registrant maintains a permanent digital copy of the electronically transmitted document for future verification purposes.  
 (d) A registrant may electronically transmit an electronic document without affixing an electronic signature provided there is inserted the following language instead of an image of a seal, signature, and date:  
 (1) "Not a Certified Document"; or  
 (2) "Pro Forma Survey";  
 as appropriate. This language shall not be required for documents electronically transmitted to a commercial printer or blueprint service for the purpose of reproducing documents or to the registrant's own employer or employees. (*State Board of Registration for Land Surveyors; 865 IAC 1-7-4; filed May 4, 2006, 1:25 p.m.: 29 IR 3005*)

## **Rule 8. Renewal**

### **865 IAC 1-8-1 Renewal**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

(1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.

(2) When any required fees are not paid on time:

(A) the certificate of registration becomes invalid;

(B) the individual cannot lawfully practice or offer to practice land surveying; and

(C) the individual's name will be deleted from future rosters;

until the renewal fee and required delinquent fee are paid.

(b) A registered land surveyor applying for license renewal shall certify on the application that the registered land surveyor has complied with the continuing education requirements under 865 IAC 1-13.

(c) The board may require the following:

(1) Verification of any information submitted by the registered land surveyor.

(2) The registered land surveyor to submit evidence supporting the course credit claimed.

(*State Board of Registration for Land Surveyors; Rule 8, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 17, 1986, 2:20 p.m.: 10 IR 422; filed Oct 13, 1992, 5:00 p.m.: 16 IR 880; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1024; readopted filed May 22, 2001,*

*9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3005*) NOTE: 864 IAC 1.1-8-1 was renumbered by Legislative Services

Agency as 865 IAC 1-8-1.

## **Rule 9. Roster**

### **865 IAC 1-9-1 Publication and contents of rosters**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. In order to establish the time of publication of rosters in conjunction with the biennial collection of renewal fees, the board adopts the following:

(1) As soon as practicable after the completion of the biennial renewals in each even-numbered year, the board will publish a roster showing the names and addresses of land surveyors who are valid registrants until the date shown in the roster.

(2) It shall be the responsibility of each registrant to notify the board of any change in the registrant's address or addresses and any supplementary roster information that is to be included in the roster. The registrant shall maintain proof of the notification.

(3) All land surveyors engaging in the practice of land surveying in the state of Indiana must identify on a form specified by the board the address of all offices at which the land surveyor is practicing land surveying.

(*State Board of Registration for Land Surveyors; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Oct 13, 1992, 5:00 p.m.: 16 IR 880; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006,*

1:25 p.m.: 29 IR 3006) NOTE: 864 IAC 1.1-9-1 was renumbered by Legislative Services Agency as 865 IAC 1-9-1.

## **Rule 10. Rules of Professional Conduct**

### **865 IAC 1-10-1 Ethical, economic, and legal principles; professional incompetence**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of land surveying.

(b) The failure of a registered land surveyor to comply with the provisions of this rule constitutes professional incompetence.

(State Board of Registration for Land Surveyors; Rule 11, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Oct 13, 1992, 5:00 p.m.: 16 IR 880; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-1 was renumbered by Legislative Services Agency as 865 IAC 1-10-1.

### **865 IAC 1-10-2 Agreement to abide by IC 25-21.5 and rules**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5

Sec. 2. Each applicant shall certify on the application that he has read and agrees to abide by IC 25-21.5 and the rules of the board in force at the time. (State Board of Registration for Land Surveyors; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634;

readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3006; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-2 was renumbered by Legislative Services Agency as 865 IAC 1-10-2.

### **865 IAC 1-10-3 Privilege to practice; responses to board pertaining to professional conduct**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 3. Such knowledge shall encompass the understanding that the practice of land surveying is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters

pertaining to professional conduct. (State Board of Registration for Land Surveyors; Rule 11, Sec 3; filed Feb 29, 1980, 3:40 p.m.:

3 IR 634; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007,

3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-3 was renumbered by Legislative Services Agency as 865 IAC 1-10-3.

### **865 IAC 1-10-4 Public safety, health, and welfare**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 4. The land surveyor shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the land surveyor's professional judgment is overruled under circumstances where

the safety, health, and welfare of the public are endangered, the land surveyor shall inform the land surveyor's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate. (State Board of Registration

for Land Surveyors; Rule 11, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-4 was renumbered by Legislative Services Agency as 865 IAC 1-10-4.

### **865 IAC 1-10-5 Qualification to undertake assignment**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 5. The land surveyor shall undertake to perform land surveying assignments only when qualified by education or

experience in the specific technical field of land surveying involved. (*State Board of Registration for Land Surveyors; Rule 11, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-5 was renumbered by Legislative Services Agency as 865 IAC 1-10-5.

#### **865 IAC 1-10-6 Restricted services for assignment outside field of competence**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 6. The land surveyor may accept an assignment requiring education or experience outside of the land surveyor's field of competence, but only to the extent that services are restricted to those phases of the project in which the land surveyor is qualified.

All other phases of such project shall be performed by qualified associates, consultants, or employees. (*State Board of Registration*

*for Land Surveyors; Rule 11, Sec 6; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-6 was renumbered by Legislative Services Agency as 865 IAC 1-10-6.

#### **865 IAC 1-10-7 Use of seal restricted**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 7. The land surveyor shall not affix a signature and/or seal to any land surveying plan or document dealing with subject matter in which the land surveyor lacks competence by virtue of insufficient education or experience, or to any such plan or document

not prepared as described in 865 IAC 1-7-3. (*State Board of Registration for Land Surveyors; Rule 11, Sec 7; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed*

*Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-7 was renumbered by Legislative Services Agency as 865 IAC 1-10-7.

#### **865 IAC 1-10-8 Professional reports; statements and testimony**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 8. The land surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. The land surveyor shall include all relevant and pertinent information in such reports, statements, or testimony. (*State Board of Registration for Land Surveyors; Rule 11, Sec 9; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 881;*

*readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE:

864 IAC 1.1-11-9 was renumbered by Legislative Services Agency as 865 IAC 1-10-8.

#### **865 IAC 1-10-9 Expert opinion testimony**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 9. The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony. (*State*

*Board of Registration for Land Surveyors; Rule 11, Sec 10; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00 p.m.: 16 IR 882; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-10 was renumbered by Legislative Services Agency as 865 IAC 1-10-9.

#### **865 IAC 1-10-10 Public policy statements; criticisms or arguments**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 10. The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public



policy which are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:

(1) by explicitly identifying himself or herself;

(2) by disclosing the identities of the party, or parties, on whose behalf the land surveyor is speaking; and

(3) by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.

(State Board of Registration for Land Surveyors; Rule 11, Sec 11; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Oct 13, 1992, 5:00

p.m.: 16 IR 882; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-11 was renumbered by Legislative Services Agency as 865 IAC 1-10-10.

#### **865 IAC 1-10-11 Conflicts of interest (Repealed)**

Sec. 11. (Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026)

#### **865 IAC 1-10-12 Disclosure of conflict of interest**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 12. The land surveyor shall:

(1) avoid all known conflicts of interest with an employer or client; or

(2) promptly inform the employer or client of any business association, interest, or circumstances that could influence judgment or quality of services.

(State Board of Registration for Land Surveyors; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00

p.m.: 16 IR 882; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3006; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-13 was renumbered by Legislative Services Agency as 865 IAC 1-10-12.

#### **865 IAC 1-10-13 Compensation from more than one party for same project**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 13. The land surveyor shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties. (State Board of Registration for Land Surveyors; Rule 11, Sec 14; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 882;

readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA)

NOTE:

864 IAC 1.1-11-14 was renumbered by Legislative Services Agency as 865 IAC 1-10-13.

#### **865 IAC 1-10-14 Gratuities prohibited**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 14. The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible. (State Board of Registration for Land Surveyors; Rule 11, Sec 15; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 882;

readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA)

NOTE:

864 IAC 1.1-11-15 was renumbered by Legislative Services Agency as 865 IAC 1-10-14.

#### **865 IAC 1-10-15 Financial or other considerations from suppliers prohibited**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 15. The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products. (State Board of Registration for Land Surveyors; Rule 11, Sec 16; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA) NOTE: 864 IAC 1.1-11-16 was renumbered by Legislative Services Agency as 865 IAC 1-10-15.

**865 IAC 1-10-16 Public service position; conflict of interest**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 16. When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices. (*State Board of Registration for Land Surveyors; Rule 11, Sec 17; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-17 was renumbered by Legislative Services Agency as 865 IAC 1-10-16.

**865 IAC 1-10-17 Public contracts; conflict of interest**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 17. The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member. (*State Board of Registration for Land Surveyors; Rule 11, Sec 18; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-18 was renumbered by Legislative Services Agency as 865 IAC 1-10-17.

**865 IAC 1-10-18 Payment of consideration to secure work prohibited; exception**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 18. The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies. (*State Board of Registration for Land Surveyors; Rule 11, Sec 19; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-19 was renumbered by Legislative Services Agency as 865 IAC 1-10-18.

**865 IAC 1-10-19 Employment on basis of qualification and competence**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 19. The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work. (*State Board of Registration for Land Surveyors; Rule 11, Sec 20; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-20 was renumbered by Legislative Services Agency as 865 IAC 1-10-19.

**865 IAC 1-10-20 Misrepresentation of qualifications prohibited**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 20. The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work. (*State Board of Registration for Land Surveyors; Rule 11, Sec 21; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 883; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-21 was renumbered by Legislative Services Agency as 865 IAC 1-10-20.

**865 IAC 1-10-21 Use of name in fraudulent or dishonest venture**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 21. The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm which the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature. (*State Board of Registration for Land Surveyors; Rule 11, Sec 22; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*) NOTE: 864 IAC 1.1-11-22 was renumbered by Legislative Services Agency as 865 IAC 1-10-21.

#### **865 IAC 1-10-22 Reporting violations (Repealed)**

Sec. 22. (*Repealed by State Board of Registration for Land Surveyors; filed Mar 6, 1995, 4:00 p.m.: 18 IR 1834*)

#### **865 IAC 1-10-23 Felony convictions; effect (Repealed)**

Sec. 23. (*Repealed by State Board of Registration for Land Surveyors; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1889*)

#### **865 IAC 1-10-24 Revocation or suspension of license in another jurisdiction; effect (Repealed)**

Sec. 24. (*Repealed by State Board of Registration for Land Surveyors; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1889*)

#### **865 IAC 1-10-25 Revocation or suspension of license in another jurisdiction; effect**

Authority: IC 25-1-11; IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 25. The land surveyor shall notify the board, in writing, within thirty (30) days of any disciplinary action taken against the:

(1) land surveyor; or

(2) the land surveyor's license or registration;

in any other state or jurisdiction. (*State Board of Registration for Land Surveyors; 865 IAC 1-10-25; filed May 4, 2006, 1:25 p.m.: 29 IR 3006; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*)

### **Rule 11. Fees**

#### **865 IAC 1-11-1 Fees charged by board**

Authority: IC 25-1-8-2; IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) For review of an application for examination for certification and enrollment as a land surveyor-in-training, one hundred dollars (\$100).

(2) For review of an application for examination for registration as a land surveyor, three hundred dollars (\$300).

(3) The fee for the examination or reexamination of any applicant under IC 25-21.5 is the payment of the applicant's cost of purchasing the examination, payable to the examination service.

(4) For the processing and review of qualifications for registration as a land surveyor by comity, five hundred dollars (\$500).

(5) For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); or

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).

(6) For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of one hundred dollars (\$100) and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each evennumbered

year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.

(7) For renewal of an expired certificate to practice as a registered land surveyor, one hundred dollars (\$100), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(8) For a duplicate or replacement certificate to practice as a registered land surveyor, twenty-five dollars (\$25).

(9) For a replacement pocket card to practice as a registered land surveyor, ten dollars (\$10).

(10) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

(*State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; filed Jun 14,*

1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4110; filed Sep 16, 2004, 9:00 a.m.: 28 IR 605, eff Nov 1, 2004; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2390; filed May 4, 2006, 1:25 p.m.: 29 IR 3007) NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.

## **Rule 12. Land Surveying; Competent Practice**

### **865 IAC 1-12-1 Minimum standards for competent practice of land surveying**

Authority: IC 25-21.5-2-14

Affected: IC 25-1-11; IC 25-21.5-4-2

Sec. 1. (a) This rule establishes minimum standards for the competent practice of land surveying as required by IC 25-21.5-2-14.

(b) The failure of a registered land surveyor to comply with the provisions of this rule may subject the registered land surveyor to sanctions as provided in IC 25-1-11.

(c) Given the ultimate responsibility of a registered land surveyor for work done by an employee or subordinate who is exempt from licensure under IC 25-21.5-4-2, the failure of such an employee or subordinate to comply with the provisions of sections 6 through 29 of this rule may subject a registered land surveyor to sanctions as provided in IC 25-1-11, unless the registered land surveyor did not know and could not, with the exercise of reasonable diligence, have known of the act or omission by the employee or subordinate.

(d) Nothing contained in this rule shall be interpreted to give the board authority to take action under IC 25-21.5-10 against a nonregistered employee or subordinate of a registered land surveyor.

(e) The provisions of this rule establish minimum requirements. There may be other acts taken, or omissions made, by a registered land surveyor in the course of rendering professional services to a client which shall also constitute professional incompetence. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-1; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2239; filed Oct 13, 1992, 5:00 p.m.: 16 IR 885; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 268; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; readopted filed Oct 4, 2007, 3:31 p.m.: 20071031-IR-865070064RFA*)  
NOTE:

864 IAC 1.1-13-1 was renumbered by Legislative Services Agency as 865 IAC 1-12-1.

### **865 IAC 1-12-2 Definitions; abbreviations**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "ALTA/ACSM Land Title Survey" refers to an original or retracement survey conducted in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" as the requirements are adopted by the:

(1) American Land Title Association;

(2) National Society of Professional Surveyors; or

(3) American Congress on Surveying and Mapping.

(c) "Controlling monument" means any undisturbed artificial, physical, or record monument called for in a record plat or land title description and controls any combination of the:

(1) location;

(2) dimensions; or

(3) configuration;

of the described tract.

(d) "EDM" refers to electronic distance measurements.

(e) "Land surveyor" means either of the following:

(1) A registered land surveyor.

(2) An individual who is as follows:

(A) An employee or subordinate of a registered land surveyor.

(B) Exempt from licensure under IC 25-21.5-4-2.

(f) "Original survey" means a survey that is executed for the purpose of locating and describing real property that has not been previously described in documents conveying an interest in the real property.

(g) "Registered land surveyor" means an individual who has been registered by the board in the profession of land surveying

under IC 25-21.5.

(h) "Relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level.

(i) "Retracement survey" means a survey of real property that has been previously described in documents conveying an interest in the real property.

(j) "Right-of-way" means land taken by either:

- (1) easements; or
- (2) fee simple title;

for the linear routes identified in subsection (k).

(k) "Route survey" refers to surveys executed for the purpose of acquiring an interest in the tracts of land required for the following:

- (1) Highways.
- (2) Railroads.
- (3) Waterways.
- (4) Pipelines.
- (5) Electric lines.
- (6) Any other linear transportation or utility route.

The term does not include surveys executed for acquisition parcels that are of even width and immediately adjacent to an existing

title, easement, or right-of-way line and do not require a property survey in order to prepare an accurate legal description for the parcel. Route surveys are not considered either original surveys or retracement surveys.

(l) "Subdivision plat" means a plat of subdivision of land prepared in accordance with either or both of the following:

- (1) State plat statutes.
- (2) Local subdivision regulations, or both.

(m) "Theory of location" means applying:

- (1) federal laws, including 43 U.S.C. 751 through 43 U.S.C. 775;
- (2) state and local laws; and
- (3) court precedent;

to establish the position of real property corners. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-2; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1189; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 885; filed Oct 14, 1993, 5:00 p.m.: 17 IR 408; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed*

*Jan 26, 2004, 11:00 a.m.: 27 IR 1882; filed May 4, 2006, 1:25 p.m.: 29 IR 3007*) NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.

### **865 IAC 1-12-3 Surveyor responsibility**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2; IC 25-21.5-7-3

Sec. 3. (a) A registered land surveyor shall be personally responsible for planning and supervising the training, procedures, and daily activities of the nonregistered employees or subordinates involved in the surveys who are acting as exempt persons under

IC 25-21.5-4-2. These activities will include, but not necessarily be limited to, the following:

- (1) Client contact.
- (2) Research.
- (3) Collection of field data.
- (4) Note reduction.
- (5) Computation.
- (6) Office analysis.
- (7) Drafting.
- (8) Preparation of certificates and reports.

(b) The daily activities by nonregistered employees or subordinates referred to in subsection (a) may not continue during any extended absences of the responsible registered land surveyor unless another registered land surveyor is in responsible charge during

the land surveyor's absence.

(c) The procedures followed and the decisions made by persons under the registered land surveyor's supervision shall be

regularly and systematically reviewed and approved by the registered land surveyor before signing the survey plat.

(d) "Supervision", as used in this section, shall be deemed to require the following:

(1) Such control by the registered land surveyor, that the registered land surveyor can certify that he or she:

(A) is knowledgeable of; and

(B) has reviewed and approved;

all actions pertaining to the surveys by persons not licensed who have participated in the survey.

(2) That all persons participating in the survey shall be regular employees of:

(A) the registered land surveyor;

(B) the registered land surveyor's employer; or

(C) another registered land surveyor.

(e) In addition to the requirements in IC 25-21.5-7-3, each office of a firm, partnership, or corporation offering to perform land surveys must have a registered land surveyor in charge of the operations. The registered land surveyor must:

(1) be a full-time employee of the firm, partnership, or corporation and:

(A) a principal of the partnership or firm; or

(B) an officer of the corporation;

(2) have full responsible control of the survey operations; and

(3) maintain regular hours at that office:

(A) convenient for client contact; and

(B) adequate for employee supervision as defined in subsection (d).

(f) For purposes of this rule, an individual practices as a principal by being as follows:

(1) A registered land surveyor.

(2) The individual in charge of the organization's land surveying practice, either:

(A) alone; or

(B) with other registered land surveyors.

(g) A registered land surveyor shall not affix his or her seal on any surveying work unless the:

(1) registered land surveyor personally did the surveying work;

(2) surveying work was performed by:

(A) a nonregistered employee or subordinate following the requirements of subsection (a); or

(B) the employees of another registered land surveyor as allowed by subsection (d); or

(3) registered land surveyor is certifying additional survey work based on a survey:

(A) executed according to this rule; and

(B) certified by a registered land surveyor working on the same project.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-3; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; filed Jul 17, 1991, 4:30*

*p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 886; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004,*

*11:00 a.m.: 27 IR 1883; filed May 4, 2006, 1:25 p.m.: 29 IR 3008) NOTE: 864 IAC 1.1-13-3 was renumbered by Legislative Services*

*Agency as 865 IAC 1-12-3.*

#### **865 IAC 1-12-4 Land surveyor duty to accumulate, preserve, and share data**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 4. A registered land surveyor shall do the following:

(1) Accumulate, through experience and research, information on the historical development of surveys in the geographical area in which the land surveyor practices.

(2) Accumulate:

(A) survey records;

(B) field notes;

(C) plats; and

(D) other data;

pertinent to the area of practice.

(3) Properly file and index for future reference those:

(A) field notes;

(B) computations;

(C) maps;

- (D) plats;
- (E) photographs; and
- (F) other data;

accumulated during the survey.

(4) Provide for the long term preservation (maintenance) of the survey data. Filing of public records will partially meet this obligation. If possible, a registered land surveyor should make arrangements for the transfer of the land surveyor's records upon retirement or death.

(5) If possible, discuss the land surveyor's survey work confidentially with other registered land surveyors in the event of substantive conflicts or discrepancies revealed by the survey. These discussions must:

(A) not violate the registered land surveyor-client confidence; and

(B) be sufficient to discharge the registered land surveyor's obligations to the public and the profession.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-4; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30*

*p.m.: 14 IR 2241; filed Oct 13, 1992, 5:00 p.m.: 16 IR 887; filed Mar 6, 1995, 4:00 p.m.: 18 IR 1834; readopted filed May 22, 2001,*

*9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3009) NOTE: 864 IAC 1.1-13-4 was renumbered by Legislative Services*

*Agency as 865 IAC 1-12-4.*

### **865 IAC 1-12-5 Property surveys affected**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 5. All retracement surveys and original surveys, including all ALTA/ACSM Land Title Surveys, and all updates or recertifications of previously completed surveys must fully comply with this rule except the following:

(1) Surveyor location reports as provided for in sections 27 through 29 of this rule are only subject to sections 1 through 4, 6, and 27 through 29 of this rule.

(2) Construction surveys made for the purpose of marking the limits of existing easements or rights-of-way for the construction of improvements within the easement or rights-of-way must be executed by a registered land surveyor but are only subject to the provisions of sections 1 through 4 and 6 of this rule.

(3) Delineation or demarcation and placement of any monument or markers, for example, wood stakes, flags, and rebar, for the purpose of constructing:

(A) fences;

(B) buildings;

(C) walls; or

(D) other improvements;

on or in close proximity to a land boundary must be executed by a registered land surveyor, but are only subject to sections 1 through 4 and 6 of this rule provided the land surveyor has found acceptable evidence of the boundary location in accordance with this rule. Any survey monuments or markers set in conjunction with a retracement or original survey must comply with all provisions of this rule.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-5; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; filed Oct 13, 1992, 5:00*

*p.m.: 16 IR 887; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1884; filed May 4, 2006,*

*1:25 p.m.: 29 IR 3009) NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.*

### **865 IAC 1-12-6 Field notes**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 6. When conducting an original survey or a retracement survey, the land surveyor shall record in the field notes all pertinent information, measurements, and observations made in the field during the course of a survey in a manner that is clear and

intelligible to other land surveyors who may use the information so recorded. *(State Board of Registration for Land Surveyors; 865*

*IAC 1-12-6; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1884; readopted filed Nov 17, 2010, 9:59 a.m.: 20101215-IR-*

*865100409RFA) NOTE: 864 IAC 1.1-13-6 was renumbered by Legislative Services Agency as 865 IAC 1-12-6.*

### **865 IAC 1-12-7 Measurements for retracement surveys, original surveys, and route surveys**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 7. (a) The purpose of this section is to prescribe precision and accuracy standards to be used by a land surveyor in conducting original and retracement surveys and route surveys.

(b) The land surveyor shall select the appropriate equipment and methods and use trained personnel to assure that the acceptable relative positional accuracy specified in this section is not exceeded.

(c) The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate.

(d) Classifications of surveys are as follows:

(1) Urban surveys. Urban surveys are performed on land lying within or contiguous with a city or town, except for single family residential lots. Urban surveys also include:

(A) commercial and industrial properties;

(B) condominiums;

(C) townhouses;

(D) apartments; and

(E) other multiunit developments;

regardless of geographic location.

(2) Suburban surveys. Suburban surveys are performed on residential subdivisions lots. Surveys of single family residential lots shall be suburban surveys even if the lot is located in an urban or a rural area.

(3) Rural surveys. Rural surveys are performed on real estate lying in rural areas that does not otherwise meet the definition of an urban or suburban survey.

(e) The acceptable relative positional accuracies for each classification of survey are as follows:

(1) Urban surveys: 0.07 feet (21 millimeters) plus 50 parts per million.

(2) Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million.

(3) Rural surveys: 0.26 feet (79 millimeters) plus 200 parts per million.

(f) Relative positional accuracy may be tested by:

(1) comparing the relative location of points in a survey as measured by an independent survey of higher accuracy; or

(2) the results of a minimally constrained, correctly weighted least square adjustment of the survey.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-7; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30*

*p.m.: 14 IR 2242; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1884; filed May 4, 2006, 1:25 p.m.: 29 IR 3010) NOTE: 864 IAC 1.1-13-7 was renumbered by Legislative Services Agency as 865 IAC 1-12-7.*

### **865 IAC 1-12-8 Theoretical uncertainty (Repealed)**

Sec. 8. *(Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026)*

### **865 IAC 1-12-9 Preliminary research and investigation on retracement surveys**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 9. When conducting a retracement survey, a land surveyor shall obtain the following:

(1) The record description of the:

(A) parcel to be surveyed; and

(B) adjoining properties;

to reveal any gaps or overlaps with the adjoining properties.

(2) Copies of any recorded:

(A) subdivision plats; and

(B) surveys;

that relate to the survey.

(3) From public offices, copies of any:

(A) maps;

(B) documents; and

(C) field notes;



that relate to the survey.

(4) Copies of data that relate to the survey that are available from known private sources.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-9; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30*

*p.m.: 14 IR 2244; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1885; filed May 4, 2006, 1:25 p.m.: 29 IR 3011) NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.*

#### **865 IAC 1-12-10 Field work for retracement and original surveys**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 10. When conducting a retracement or original survey, a land surveyor shall do the following:

(1) Search for controlling physical monuments and, when found, weigh their reliability.

(2) Search for and locate the following:

(A) Monuments that reference missing control monuments.

(B) Monuments that substantiate control monuments that have been obliterated.

(C) Other monuments and real evidence that are necessary to the survey.

(3) If necessary:

(A) investigate possible parol evidence supporting the positions of obliterated control monuments; and

(B) obtain the necessary affidavit or affidavits from individuals involved.

(4) Obtain the following:

(A) Necessary measurements to correlate all found evidence, including the relationship to adjoining properties.

(B) Sufficient check measurements to satisfactorily verify the work.

(5) Locate physical evidence of possession between adjoining owners and identify age of possession, for example, by parol evidence, if possible.

(6) Survey field notes shall be in the form required by section 6 of this rule.

(7) Any controlling corners that are original public land survey corners or other government corners such as land grants shall be:

(A) evaluated;

(B) perpetuated; and

(C) documented;

in accordance with section 30 of this rule.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-10; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2244; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1885; filed May 4, 2006, 1:25 p.m.: 29 IR 3011) NOTE: 864 IAC 1.1-13-10 was renumbered by Legislative Services Agency as 865 IAC 1-12-10.*

#### **865 IAC 1-12-11 Surveyor conclusions in retracement survey**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 11. When conducting a retracement survey, a land surveyor shall do the following:

(1) Make any necessary computations to verify the correctness of measurements obtained.

(2) Make any necessary computations to determine and verify the position of the monuments, adjoining properties, and any parol evidence.

(3) Evaluate the evidence.

(4) In the event of the discovery of a material disagreement with the work of another surveyor, attempt to contact the other surveyor and investigate the disagreement.

(5) Apply the theory of location as defined in section 2 of this rule.

(6) Set any final monuments required by section 18 of this rule.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-11; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2245; filed Oct 13, 1992, 5:00 p.m.: 16 IR 888; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1886; readopted filed Nov 17, 2010, 9:59 a.m.: 20101215-IR-865100409RFA) NOTE: 864 IAC 1.1-13-*

*11 was renumbered by Legislative Services Agency as 865 IAC 1-12-11.*

#### **865 IAC 1-12-12 Publication of retracement and original survey results**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 12. (a) When conducting a retracement survey or an original survey, a registered land surveyor shall do the following:

(1) Furnish the client with a written surveyor's report that, in addition to other pertinent data, identifies the type of survey, explains the theory of location applied in establishing or retracing the lines and corners of the surveyed parcel, and gives the registered land surveyor's professional opinion of the cause and the amount of uncertainty in those lines and corners because of the following:

(A) Availability and condition of reference monuments.

(B) Occupation or possession lines.

(C) Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.

(D) The relative positional accuracy of the measurements.

(2) Record the plat of survey and the associated surveyor's report in the county recorder's office in the county where the property is located when:

(A) a new tax parcel will be created based on the survey;

(B) a survey of:

(i) an unsubdivided tract; or

(ii) a portion of a subdivided lot;

has not been previously recorded;

(C) if, in the registered land surveyor's opinion, a survey of a whole subdivided lot or lots is substantially at variance with:

(i) the subdivision plat;

(ii) previously recorded surveys;

(iii) monuments; or

(iv) evidence of possession;

(D) if, in the registered land surveyor's opinion, the:

(i) monuments;

(ii) monument witnesses;

(iii) evidence of possession; or

(iv) description;

are not consistent with the last recorded survey of the parcel;

(E) it is required by law; or

(F) the plat of survey contains land for a new subdivision plat that will subsequently be recorded. The subsequent subdivision plat must be cross-referenced to the previously recorded survey plat.

(b) Notwithstanding subsection (a)(2)(C), an original, platting surveyor setting monuments in a new subdivision in accordance with section 18 of this rule does not need to prepare or record a plat of survey or surveyor's report unless the survey reveals substantial variance with the:

(1) subdivision plat;

(2) existing monuments; or

(3) evidence of possession.

(c) The recorded plat of survey shall:

(1) show the name of the owner of the property on the recorded plat of survey according to the county tax records at the time the survey was certified; and

(2) be cross-referenced to the latest record plat of survey of the property, if any is found.

(d) The plat of survey and the associated surveyor's report shall be recorded in the case:

(1) an original or retracement survey (not previously recorded) that contains a proposed new subdivision plat, before recording the new subdivision plat; or

(2) retracement or original surveys not described in subdivision (1) within:

(A) three (3) months of the survey certification date; or

(B) three (3) years and three (3) months of the survey certification date in those instances where the client signs an objection, which must contain the following statement:

I, the undersigned, hereby request that the following identified survey, certified to me:

(Indicate one (1) or both of the following:)

(i) Shall not be recorded for a period of three (3) years and three (3) months from the date of certification.

(ii) Shall not contain the name of the undersigned client on the survey recorded.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Certifying Surveyor:

Certificate Date:

Job Number:

Brief Description:

A copy of the signed statement shall be kept with the land surveyor's file.

(e) Nothing in this rule shall:

(1) require the registered land surveyor to:

(A) furnish any survey documents to the client; or

(B) record them;

unless the client has satisfied the terms of the surveying engagement; or

(2) prevent the registered land surveyor from furnishing a pro forma copy of the survey to the client for use until the certified survey is requested provided the survey is clearly marked PRO FORMA SURVEY.

(f) Any drawings or plats prepared by a registered land surveyor, such as:

(1) plot plans;

(2) deed plots;

(3) topographic maps;

(4) site plans; or

(5) construction plans;

that are not intended to be retracement or original surveys, route surveys, or surveyor location reports, shall contain a note stating

"This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location

Report." Any drawing or plat showing set monumentation is considered to be an original, retracement, or route survey and as such

is subject to the applicable sections of this rule. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-12; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2245; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; errata, 16 IR 1188;*

*readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1886; filed May 4, 2006, 1:25 p.m.: 29 IR 3011)* NOTE: 864 IAC 1.1-13-12 was renumbered by Legislative Services Agency as 865 IAC 1-12-12.

### **865 IAC 1-12-13 Retracement and original survey plats**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5; IC 32-19

Sec. 13. (a) When conducting a retracement or original survey, a registered land surveyor shall furnish the client with the surveyor's report and a copy of the plat of survey of the premises drawn to an appropriate scale in such a manner that the data shown

will be clearly legible when the plat is reduced to sheets suitable for recording in the county in which the survey was conducted.

(b) The plat of survey, together with the accompanying surveyor's report, shall show or otherwise contain the following information at a minimum:

(1) The:

(A) client's name;

(B) date of the last fieldwork;

(C) surveyor's file number; and

(D) the:

(i) name;

(ii) address;

(iii) signature; and

(iv) registration number;

of the surveyor responsible for the work.

(2) For retracement surveys:

(A) the record document description or recording information of the parcel surveyed; and

(B) any new, modified, or consolidation description with an explanation in the surveyor's report as to why the new description was prepared, together with a statement regarding the location of the new description relative to the record description.

For original surveys, a metes and bounds description with appropriate controlling calls and calling for and accurately describing controlling physical monuments, marked in accordance with section 18 of this rule, except, however, that a metes and bounds description is not required for individual, platted subdivision lots.

- (3) North arrow, area, and scale, including a graphic scale.
- (4) Angles or bearings. When bearings are shown, their basis shall be indicated.
- (5) All pertinent dimensions. On dimensions other than those measured, sufficient notations shall be used to identify their source, such as the following:
- (A) Recorded measurement (Rec).
  - (B) Calculated from record values (Calc. Rec.).
- (6) All pertinent monuments, with a notation indicating which were found and which were set, including those required to be set by section 18 of this rule, identified as to:
- (A) their character;
  - (B) their size;
  - (C) their location including their location relative to the surface of the ground; and
  - (D) whether or not they were held as control on the survey.
- Found monuments shall be accompanied by a reference to their origin when it is known. Where there is no available documented origin, it shall be so noted on the plat.
- (7) The location of all monuments and physical evidence of possession on or beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent. This includes monuments on all controlling corners or lines appropriate to the description of the tract being surveyed, but in no case shall the survey show fewer than two (2) monumented corners regardless of the description of the tract. The Indiana state plane coordinate system may be used as the basis for a survey in accordance with IC 32-19; however, such use does not relieve the registered land surveyor of applying proper theory of location.
- (8) Any physical evidence of possession appurtenant to either the surveyed premises or the adjoining property that is on, near, or across any exterior boundary of the premises. Show the location of such evidence by the distance to such boundary. Show any setback or easement line on the premises that may have been a factor in the location of a boundary line. Failure to show any such evidence will be taken to indicate that there was none.
- (9) Any:
- (A) lakes;
  - (B) streams;
  - (C) known regulated drains; or
  - (D) regulated drain rights-of-way;
- on or within seventy-five (75) feet of the surveyed premises. A detailed location, based on applicable statutes and rules, is required when a boundary or easement is determined thereby.
- (10) Any evidence of use of the surveyed premises by others.
- (11) Adjoining parcels identified by title description or record reference. Contiguity, gaps, and overlaps with adjoining parcels shall be clearly shown and dimensioned. Show only the portion of adjoining tracts relevant to the location of the surveyed tract. Gaps and overlaps interior to the surveyed parcel shall be depicted but must be dimensioned only if the client requests.
- (12) Any easements or setback lines affecting the survey that were created by a subdivision plat.
- (13) Any other easements or setback lines affecting the survey, as required and when documentation is furnished by the client.
- (14) If requested by the client, show zoning ordinance classification references. Any zoning use certifications shall be limited to those facts that can be counted or measured.
- (15) The following:
- (A) Sufficient data to clearly indicate the theory of location applied in finalizing the locations of the corners.
  - (B) Any data at variance with this theory of location.
  - (C) Sufficient data to allow the retracement without difficulty of all pertinent lines and corners shown on the plat.
- Detail that cannot be legibly depicted on the survey plat shall be otherwise explained in the surveyor's report.
- (16) A certificate stating that the survey was performed wholly or in part (state which part) by or under the direction of the registered land surveyor, and to the best of the registered land surveyor's knowledge and belief was executed according to survey requirements in this rule. This certificate shall bear the:
- (A) signature;
  - (B) registration number; and
  - (C) seal;
- of the registered land surveyor and date of the certificate.
- (17) If necessary to define the location, a vicinity map shall be provided.
- (c) Notwithstanding the requirements of this rule, except for section 18 of this rule, any new subdivision plat may show only the information required by the applicable subdivision control ordinance or other regulation.
- (d) Any new subdivision plat recorded must be cross-referenced to a previously recorded survey, which conforms to this rule, of the tract that contains it.

(e) The certificate for a new subdivision must state that there has been no change from the matters of survey revealed by the cross-referenced survey, or any prior subdivision plats contained therein, on any lines that are common with the new subdivision. A new survey, which conforms to this rule, must be executed and recorded if there have been changes in matters of survey from those

revealed by the prior recorded survey or any subdivision plats therein on any lines common with a new subdivision. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-13; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3913; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2246; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1887; filed May 4, 2006, 1:25 p.m.: 29 IR 3012*) NOTE: 864 IAC 1.1-13-13 was renumbered by Legislative Services Agency as 865 IAC 1-12-13.

#### **865 IAC 1-12-14 Original survey preliminary research**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 14. When conducting an original survey, a land surveyor shall do the following:

(1) Obtain or prepare the documents establishing the intended position of the lines to be created by the original survey, such as any of the following:

(A) The client's sketch.

(B) Instructions defining the lines.

(C) A tentative subdivision map.

(2) Obtain copies of the laws regulating division of property that govern in the jurisdiction in which the property is located.

(3) Survey that portion of the parent tract required to define the lines of the parcel being created by the original survey. This work must be in accordance with this rule. Any conflicts or gaps between the lines of the retracement survey and the adjoining lines that affect newly created tracts must be clearly depicted on the original survey, showing which of the new tracts are affected and to what extent.

(4) Conduct field surveys to determine the location of planimetric or topographic features, if any, that are to control the intended position of the lines being created.

(5) In the case of new subdivisions or original surveys, the registered land surveyor shall inform the client of any conflicts between the following:

(A) The requested position of the lot lines to be created.

(B) The position required by any applicable ordinances or regulations.

These conflicts must be resolved before certifying the survey or, if they are not, the conflicts shall be noted on the face of the plat or in the surveyor's report.

(*State Board of Registration for Land Surveyors; 865 IAC 1-12-14; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2247; filed Oct 13, 1992, 5:00 p.m.: 16 IR 890; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26,*

*2004, 11:00 a.m.: 27 IR 1888; filed May 4, 2006, 1:25 p.m.: 29 IR 3014*) NOTE: 864 IAC 1.1-13-15 was renumbered by Legislative

Services Agency as 865 IAC 1-12-14.

#### **865 IAC 1-12-15 Original survey research analysis and conclusions (Repealed)**

Sec. 15. (*Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026*)

#### **865 IAC 1-12-16 Original survey fieldwork (Repealed)**

Sec. 16. (*Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026*)

#### **865 IAC 1-12-17 Publication; original survey results (Repealed)**

Sec. 17. (*Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026*)

#### **865 IAC 1-12-18 Original and retracement survey monumentation**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 18. (a) When conducting a retracement survey or an original survey, a registered land surveyor shall be responsible to set monuments in accordance with this section.

(b) Except as provided in subsection (h) a monument, as defined in subsections (c) through (g), shall be set at every lot or parcel corner being surveyed, including the interior lots of a subdivision. Corners to be set include the beginning and end of curves

and the intersection of lines except where the setting of a monument near another monument would cause confusion. Further, a monument is not required to be set if there is an existing monument at the corner that is within the limits of the relative positional accuracy for the class of survey being performed.

(c) Monuments set in unpaved or other nonimpervious locations shall be five-eighths (e) inch diameter or larger iron or steel rods, reinforcement bars, or galvanized pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long and set with not less than eighteen (18) inches below grade. Other monuments may be used if they:

(1) are made of material of similar or greater durability, size, and character; and

(2) can be found by a device capable of detecting ferrous or magnetic objects.

(d) Where practical, monuments in pavement or other impervious areas shall be set according to the requirements contained in subsection (c). However, when it is not practical to set a monument in accordance with subsection (c), then a two (2) inch or longer, one-fourth ( $\frac{1}{4}$ ) inch or larger diameter, magnetic concrete nail, or similar magnetic monument, shall be set, if possible.

(e) Monuments set under subsection (c) or (d) shall have a substantial plastic or metal tag or cap permanently affixed showing the registered land surveyor's surname and professional license number or board-issued firm/agency identification number.

(f) Where monuments as defined in subsection (c) or (d) cannot be set, the survey points must be:

(1) marked by:

(A) a drill hole;

(B) a cut cross;

(C) a notch; or

(D) other similar permanent mark; and

(2) referenced to any nearby witness monuments or permanent objects, such as:

(A) building foundations; or

(B) concrete head walls.

(g) Monuments required by local ordinances shall be set provided they meet or exceed the requirements in subsections (c) and (d).

(h) Where it is not possible or practical to set a monument at the survey point:

(1) a monument shall be offset; and

(2) the location shall be selected so that the monument lies on a:

(A) line of the survey; or

(B) prolongation of the line.

However, offset monuments are not required at interior lot corners not adjoining a street right-of-way. Offset monuments shall be identified as such on the plat and, if possible, in the field. However, if existing monuments fall within the acceptable relative positional accuracy of the survey, a monument will not be required to be set.

(i) If recovery of the monument would be difficult due to the topography or other features of the land, the monuments shall be witnessed or referenced in such a manner that will facilitate their recovery.

(j) At the time they are set, monuments shall be marked, such as with ribbon, paint, or lath, to facilitate the recovery of the monument by the client.

(k) It shall be the responsibility of the land surveyor certifying the subdivision plat to set all monuments required by this section in a new subdivision.

(l) Monuments shall be set before providing the client with the survey documents required by this rule. However, in the case of new subdivisions where, in the opinion of the surveyor, it is probable the individual lot monuments will be disturbed by construction, only the perimeter of the subdivision, or section thereof, must be monumented before recordation. In this situation, the

setting of the individual lot monuments may be delayed until no later than:

(1) after construction is complete (including buildings); or

(2) two (2) years after recordation of the subdivision plat or, if the subdivision is platted by sections, after recordation of each section;

whichever occurs first. In new subdivisions, if monuments are to be set before recording, then the placement of monuments shall be shown on the subdivision plat. If monuments are to be set after construction is complete, the surveyor shall record an affidavit,

cross-referenced to the recorded plat, showing which monuments were set and which were found, the dates the monuments were set

or found, together with a certification that states to the best of the surveyor's knowledge and belief the information contained in the

affidavit is true and correct. Nothing in this subsection shall be construed to require the surveyor to wait until construction is completed to place monuments.

(m) A surveyor is not required to replace or restore any monument that the surveyor has set that has been:

(1) moved;  
(2) disturbed; or  
(3) destroyed;  
after its original placement for the current survey.  
(n) Identification numbers, other than registered land surveyor's registration numbers, used by a land surveying firm or government agency under subsection (c) or (d) must be assigned and authorized for use by the board. Request for firm or agency numbers must be in writing on forms provided by the board. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-18; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2248; filed Oct 13, 1992, 5:00 p.m.: 16 IR 891; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1888; filed May 4, 2006, 1:25 p.m.: 29 IR 3014*)  
NOTE: 864 IAC 1.1-13-19 was renumbered by Legislative Services Agency as 865 IAC 1-12-18.

### **865 IAC 1-12-19 Original survey plats (Repealed)**

Sec. 19. (*Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026*)

### **865 IAC 1-12-20 Route survey preliminary research**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 20. (a) When conducting a route survey, a registered land surveyor shall do the following:

(1) Obtain or prepare the documents establishing the intended position of the lines to be created by the survey, for example, the following:

(A) The client's approved sketch.

(B) Instructions defining the lines.

(2) Obtain the following:

(A) Copies of the laws that affect route surveys in the area in which the property is located.

(B) From:

(i) the client, or other sources, the record description of the affected parcel or parcels;

(ii) the county recorder's office, copies of any recorded subdivision plats and surveys affected by or relating to the survey; and

(iii) other public offices, copies of any maps, documents, and field notes that relate to the survey.

(b) Client specifications may set forth technical minimums for route surveys more stringent than those stated in this section.

(*State Board of Registration for Land Surveyors; 865 IAC 1-12-20; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2250; filed Oct 13, 1992, 5:00 p.m.: 16 IR 893; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3016*) NOTE: 864 IAC 1.1-13-35 was renumbered by Legislative Services Agency as 865 IAC 1-12-20.

### **865 IAC 1-12-21 Route survey fieldwork**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 21. When conducting a route survey, a land surveyor shall do the following:

(1) Establish the location of the control survey points upon which all subsequent work will be based so that they can be retraced and are recoverable by other surveyors without difficulty during and after construction.

(2) Determine the location of the following:

(A) Any lines or corners, or both, necessary to describe any acquisition parcels.

(B) Any United States Public Land Survey subdivision corners that are available from the county surveyor or reasonably accessible and relevant to the route survey or acquisition parcels, or both.

(3) Set any final monuments required by section 24 of this rule, and those required by the client.

(4) Take sufficient check measurements to satisfactorily verify the work.

(5) Keep survey field notes showing all pertinent information, measurements, and observations made in the field during the course of a survey in a manner that is clear to other land surveyors who may use the information so recorded.

(6) Make necessary computations to substantiate correctness of field measurements.

(*State Board of Registration for Land Surveyors; 865 IAC 1-12-21; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2250; filed Oct 13, 1992, 5:00 p.m.: 16 IR 893; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3016*) NOTE: 864 IAC 1.1-13-36 was renumbered by Legislative Services Agency as 865 IAC 1-12-21.

### **865 IAC 1-12-22 Measurements for route surveys**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 22. (a) When conducting a route survey, the land surveyor shall be responsible to use the minimum standards of measurement for urban surveys provided for in section 7 of this rule, except that relative positional accuracy may not exceed fiftenths

(0.5) feet for a route survey.

(b) Measurements generally shall be shown on the route survey plat with a number of significant figures representative of the precision of the work.

(c) The measurements specifications outlined in this section will apply to all of the following items shown on a route survey:

(1) The control survey points.

(2) Survey ties to either of the following:

(A) The nearest United States Public Land Survey subdivision corners that are reasonably accessible on both sides of the controlling survey line.

(B) Monuments with established state plane coordinates.

(3) All monuments and reference monuments, and any ties thereto, that are set relative to the controlling survey line.

(d) If the route survey references or is based on state plane coordinates or utilizes the Global Positioning System (GPS), the written surveyor's report shall identify the following:

(1) The datum and projection.

(2) The year of applicable datum adjustment.

(3) The originating or controlling monuments.

(4) The GPS base stations or positioning software used, for example, the Online Positioning User Service (OPUS).

(5) The source and format of the corrections if real time kinematic GPS was used.

(6) The Geoid model used, if applicable.

(7) The scale, elevation, and combination factors used in the coordinate calculations.

(8) Information on any translation to or from a local system.

(9) The collection processes and methodology of final positioning.

(10) Whether the distances shown are grid or ground.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-22; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2250; filed Oct 13, 1992, 5:00 p.m.: 16 IR 893; errata, 21 IR 4537; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3016) NOTE: 864 IAC 1.1-13-37 was renumbered by Legislative Services Agency as 865 IAC 1-12-22.*

### **865 IAC 1-12-23 Publication of route survey results**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 23. (a) When conducting a route survey, a registered land surveyor shall do the following:

(1) Furnish the client with the following:

(A) Copies of the route survey plats.

(B) A written surveyor's report which, in addition to other pertinent data, gives the registered land surveyor's professional opinion of the cause and the amount of uncertainty in the lines and corners found or established by the survey because of any of the following:

(i) Availability and condition of referenced monuments.

(ii) Occupation or possession lines.

(2) Record the route survey plat and any subsequent revisions as defined in section 25 of this rule, together with the associated surveyor's report defined in this subsection, in the files of the county recorder's office in the county where the property is located on or before the date of acquisition of any tracts relative to the plat.

(b) An accurate description for all parcels to be acquired shall be furnished to the client. Descriptions may be by metes and bounds but, in any case, shall be controlled by a call for all that part of the owner's land that lies within the total acquisition tract. The acquisition tract or tracts shall be depicted on, or described by reference to:

(1) the recorded plat of route survey; or

(2) any subsequent recorded revisions of the recorded plat of route survey;

that contain the land. The lines of the acquisition tracts and any proposed right-of-way lines shall be tied to the initial control survey

points. *(State Board of Registration for Land Surveyors; 865 IAC 1-12-23; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2251; filed Oct 13, 1992, 5:00 p.m.: 16 IR 894; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3017)*

**NOTE:**



864 IAC 1.1-13-38 was renumbered by Legislative Services Agency as 865 IAC 1-12-23.

#### **865 IAC 1-12-24 Route survey monumentation**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 24. (a) When conducting a route survey, a registered land surveyor shall be responsible to set monuments in accordance with the following:

(1) Control survey points that are to be shown on the route survey plat shall be monumented at:

(A) each angle point; and

(B) intervals that typically do not exceed one quarter ( $\frac{1}{4}$ ) mile.

(2) Section 18(c) through 18(f) of this rule.

(3) Any comparable or better monuments required by more stringent local ordinances shall be set.

(4) Monuments shall be referenced in such a manner that will facilitate recovery of the monuments. A minimum of three (3) permanent points referencing each controlling survey line monument shall be established, preferably at locations outside the planned construction area.

(5) All monuments shown on the recorded route survey plat that are reset by an Indiana land surveyor must be reset according to the rules used for the original monuments. A survey plat of this resurvey shall be:

(A) recorded in the office of the county recorder where the resurvey was done within ninety (90) days of survey certification; and

(B) cross-referenced to the original route survey plat.

(6) At the time they are set, monuments shall be marked, for example, with:

(A) ribbon;

(B) paint; or

(C) lath;

to facilitate the recovery of the monuments by the client.

(b) Any identification numbers, other than the registration number of the registered land surveyor, used by a land surveying firm or government agency under section 18(d) or 18(e) of this rule must be assigned and authorized for use by the board upon written request. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-24; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2252; filed Oct 13, 1992, 5:00 p.m.: 16 IR 894; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3018*)

NOTE: 864 IAC 1.1-13-39 was renumbered by Legislative Services Agency as 865 IAC 1-12-24.

#### **865 IAC 1-12-25 Route survey plats**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 25. When conducting a route survey, a land surveyor shall prepare a route survey plat as follows:

(1) Draw the route survey plat to scale and in such a manner that the data shown for the relevant parcel or parcels is clearly legible when the plat is reduced to sheets suitable for recording in the county in which the survey was conducted.

(2) Show the following:

(A) The north arrow and scale, including a graphic scale.

(B) A vicinity map to define the location of the project.

(C) All pertinent dimensions. Dimensions not measured shall be noted as to their origin or that they were calculated.

(D) Sufficient data to allow the retracement, without difficulty, of all the created lines and points.

(E) All:

(i) survey line;

(ii) centerline;

(iii) reference;

(iv) right-of-way;

(v) property;

(vi) government; or

(vii) other pertinent;

monuments that were set or found, and any reference ties thereto.

(3) Identify all monuments indicating which were set and which were found and their character, size, and location relative to the surface of the ground. Found monuments shall be accompanied by a:

(A) reference to their origin when it is known; or

(B) notation that there is no available documented reference of the origin.

- (4) Locate all monuments using an accepted practice such as:
    - (A) Indiana state plane coordinates;
    - (B) station and offset;
    - (C) course and distance; or
    - (D) local coordinates;
 including the basis for the system used.
  - (5) Show and locate any right-of-way points, lines, or tracts that have been created or proposed relative to the initial control survey points.
  - (6) Show the following:
    - (A) The owners' names at the time of the survey (as determined by the county tax records or if later information is known by that information).
    - (B) The approximate location of any property lines that may be:
      - (i) coincident with;
      - (ii) intersect with; or enclosed by, any proposed or depicted right-of-way lines.
    - (C) The name of the client or government agency. Include their project or file number if known, and the surveyor's file number.
  - (7) Include a certification that:
    - (A) states that, to the best of the registered land surveyor's knowledge and belief, the route survey is executed according to the provisions of this rule; and
    - (B) defines the scope of responsibility for each certifying registered land surveyor, if needed for clarity in accordance with section 23(a)(2) of this rule; and
    - (C) bears the:
      - (i) name, address, registration number, signature, and seal of each registered land surveyor;
      - (ii) date of the fieldwork; and
      - (iii) date of the certification.
  - (8) Nothing in this section shall prevent a complete route survey plat from being the composite of the work of one (1) or more surveyors preparing separate plats of their work as long as the following requirements are met:
    - (A) All of the information required under this section and in sections 21, 22, 24, and 25 of this rule is reflected in the composite of the separate plats, and the data on each of the separate plats is tied to the initial controlling survey line.
    - (B) The separate plats are all recorded.
    - (C) Any plats related to the route survey that are subsequently recorded are cross-referenced to any previously recorded plats related to the same route survey.
    - (D) The work is conducted in accordance with the requirements of section 3 of this rule.
- (State Board of Registration for Land Surveyors; 865 IAC 1-12-25; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2252; filed Oct 13, 1992, 5:00 p.m.: 16 IR 895; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3018) NOTE: 864 IAC 1.1-13-40 was renumbered by Legislative Services Agency as 865 IAC 1-12-25.*

**865 IAC 1-12-26 Effective date for route surveys (Repealed)**

Sec. 26. *(Repealed by State Board of Registration for Land Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026)*

**865 IAC 1-12-27 Surveyor location reports; purpose; scope**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

- Sec. 27. (a) Surveyor location reports are designed for use by a title insurance company with loan policies on small tracts containing a one (1) to four (4) family house even if now used for commercial purposes. A surveyor location report shall not be used for nonresidential tracts greater than two (2) acres.
- (b) A registered land surveyor does not assume responsibility regarding the location or existence of any underground use except that indicated by readily visible surface evidence. The client shall be responsible for providing any title documents other than recorded plats that are required for the report.
  - (c) The report must be done according to its record description, if any. No corner monuments are required to be set. The uncertainty of location for the report shall not exceed plus or minus:
    - (1) one (1) foot on tracts in recorded subdivisions; or
    - (2) two (2) feet for other tracts;
 unless otherwise specified and explained on the drawing.
  - (d) House locations more than one hundred (100) feet from an exterior boundary:

- (1) may be estimated; and
  - (2) need not comply with subsection (c).
  - (e) Obtaining accurate and complete data on or near the perimeter of larger tracts is beyond the scope of the report. Therefore, on larger tracts:
    - (1) location data for items more than one hundred (100) feet from the house may be estimated and need not comply with subsection (c); and
    - (2) the data required by section 28(1) through 28(5) of this rule may be incomplete.
- (State Board of Registration for Land Surveyors; 865 IAC 1-12-27; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2253; filed Oct 13, 1992, 5:00 p.m.: 16 IR 896; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3019) NOTE: 864 IAC 1.1-13-42 was renumbered by Legislative Services Agency as 865 IAC 1-12-27.*

### **865 IAC 1-12-28 Surveyor location reports; requirements**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 28. When conducting a surveyor location report, a registered land surveyor shall do the following:

(1) Briefly describe and show the location of visible evidence of possession. Show the location of this evidence by the shortest dimension to:

- (A) the nearest adjacent boundary line; or
- (B) any depicted easement line;

in order to reveal the extent of any possible encroachment. The statement "No visible evidence of possession found" must be noted along record boundary lines when applicable. (For this purpose, monuments found do not constitute evidence of possession.)

(2) Show the location, dimensions, and a brief description of all buildings or structures on the property including, but not limited to, the following:

- (A) Driveways.
- (B) Parking lots.
- (C) Personal property, such as aboveground swimming pools or yard barns.

Show the location of buildings adjacent to the boundary lines by the shortest distance thereto, and dimension any violation of a depicted easement or building setback line. Identify any buildings that appear to have no foundation and may be readily moveable. Show the name of the occupant, if easily available, and any client identification data requested.

(3) Show the location of and briefly describe any visible evidence of use by others, such as for:

- (A) roadways;
- (B) utility lines;
- (C) driveways; or
- (D) possible joint use of driveways (do not label as "joint" or "common");

that may affect the surveyed tract. Note the name of the user, if marked (for example, joint use by electric, telephone, and cable television companies on poles marked with electric company tags). With respect to any railroad on or adjoining the property, note if the tracks have been removed. If that is the case, note any visible evidence of construction, trenching, or other use observed on or along the railroad.

(4) Show the location and recording data for any easements or setback lines on the tract as determined from:

- (A) recorded documents provided by the client; or
- (B) a recorded plat.

(5) Show the location of the perimeter of any visible evidence of cemeteries found on the surveyed tract.

(6) Show the approximate size, location, and brief description of any lakes, ditches, or streams on the tract or any known regulated drains on or within seventy-five (75) feet of the property. Detailed locations are required when:

- (A) a boundary is determined thereby; or
- (B) buildings or other improvements are located within a legal drain easement.

(7) Show the name and location of any road, street, alley, or other public way abutting or on the surveyed property with the:

- (A) width of the traveled way;
- (B) known right-of-way lines;
- (C) source of any known right-of-way information indicated. If not known, note which records, if any, were searched.

(8) Physical access to the property, or lack thereof, must be shown.

(9) Show the:

- (A) Drawing scale.
- (B) A north arrow.
- (C) Property description and address.

(D) Surveyor's:

(i) job number;

(ii) company name;

(iii) certificate;

(iv) signature; and

(v) seal.

(E) Client name.

(F) Names of those to whom the report is certified.

(G) A report/certificate date less than thirty (30) days from the date of delivery.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-28; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2253; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33 p.m.: 26 IR 1105; filed May 4, 2006, 1:25 p.m.: 29 IR 3019) NOTE: 864 IAC 1.1-13-43 was renumbered by Legislative Services Agency as 865 IAC 1-12-28.*

### **865 IAC 1-12-29 Surveyor location reports; certificate**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 29. (a) The surveyor location report format shall be substantially the same as that contained in subsection (b), and the minimum acceptable registered land surveyor's certificate to be prepared for a surveyor location report shall be the same as that contained in subsection (b). The content and format of the certificate shall be as shown, but the type size and spacing may be altered

to suit so long as the finished form is neat and clearly legible. The size of the sheet or sheets for the reports shall be:

(1) not less than eight and one-half (8½) inches by eleven (11) inches; and

(2) not greater than eighteen (18) inches by twenty-four (24) inches.

The surveyor's firm name, address, and phone number may be shown at the top or bottom margin.

(b) The surveyor's certificate described in subsection (a) shall be as follows:

#### **SURVEYOR LOCATION REPORT**

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS:

PROPERTY DESCRIPTION:

CLIENT I.D. NO.:

(HERE INSERT LOCATION REPORT DRAWING)

TITLE CO.:

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY:

REGISTERED LAND SURVEYOR'S SIGNATURE:

\_\_\_\_\_  
(REGISTERED LAND SURVEYOR'S NAME  
AND INDIANA REGISTRATION NO.)

REPORT JOB NUMBER:

SEAL

PROPOSED BUYER:

PROPOSED LENDER:

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-29; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2254; filed Oct 13, 1992, 5:00 p.m.: 16 IR 896; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 268; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3020) NOTE: 864 IAC 1.1-13-44 was renumbered by Legislative Services Agency as 865 IAC 1-12-29.*

### **865 IAC 1-12-30 Section corner perpetuation**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5; IC 36-2-12

Sec. 30. (a) This section outlines the procedures and requirements for registered land surveyors when perpetuating the location of original public land survey or grant corners. As used in this section, "grant" means a subdivision, parcel, or tract of land that existed, or the parent tract of which existed, prior to the commencement of the United States Public Land Survey adjoining such subdivision, parcel, or tract.

(b) The purported location of an original public land survey or grant corner as referenced by the county surveyor of the county in which the corner exists is prima facie evidence of that corner's location. The registered land surveyor's responsibility with regard

to the use of or need for original public land survey corners or grant corners in association with an original or retracement survey is not met by merely contacting the county surveyor.

(c) If the:

(1) location of an original public land survey or grant corner is not monumented and referenced by the county surveyor in accordance with Indiana Code 36-2-12; or

(2) registered land surveyor discovers evidence, or otherwise has reason to believe, that a monument purporting to mark the location of an original public land survey or grant corner is not in the proper location;

and if that corner is necessary for purposes of conducting an original, retracement, or route survey as defined in this rule, the registered land surveyor shall contact the county surveyor and perpetuate that corner's location in accordance with this section if the

county surveyor is unable to perpetuate the corner in the time frame required by the registered land surveyor.

(d) A registered land surveyor shall perpetuate the location of an original public land survey or grant corner by gathering evidence that may assist in determining the original location of that corner. This evidence includes, but is not limited to, the following:

(1) Copies of:

(A) The original public land survey field notes and plat or transcribed copies of same.

(B) Deeds and plats that reference the location of the corner.

(C) Historic survey records, road, street, highway, and bridge plans, corner records, recorded surveys and other relevant information from the county surveyor, county recorder or other county, state and municipal offices.

(D) Current or historic aerial photographs.

(E) Records from private surveyors who practice or used to practice in the vicinity of the corner.

(2) Parol evidence from knowledgeable landowners or others who may have information relating to the corner.

(3) The field location of:

(A) Fences.

(B) Walls.

(C) Roadways.

(D) Survey markers.

(E) Tree lines.

(F) Other lines of possession.

(G) Interrelated or nearby section corners, quarter section corners, quarter-quarter corners, or other aliquot corner of a section, and corners of common report.

(e) After evaluating and weighing the evidence outlined in subsection (d), the registered land surveyor shall do the following:

(1) Apply appropriate theory of location to determine the probable locations of the corner.

(2) Excavate or otherwise determine if there is a subsurface monument in those locations unless, in the registered land surveyor's opinion, there is no substantial possibility of:

(A) a corner stone; or

(B) other historical survey monument;

being found in those locations. Examples of such situations include, but are not limited to, corner locations that fall in concrete highways, in areas where other excavations have previously taken place, such as, for culverts or sewers, or in areas of substantial cut or fill, such as, for interstate highway overpasses or underpasses.

Before excavating, the registered land surveyor shall notify the appropriate jurisdictional agencies.

(f) If, as a result of the corner investigation:

(1) a corner stone;

(2) historical survey monument; or

(3) other evidence;

is found marking the corner, the registered land surveyor shall remonument and reference the corner if necessary to facilitate its

recovery by other surveyors.

(g) If, after excavating or otherwise conducting subsurface investigations of the probable locations outlined in subsection (e), a corner stone, historical survey monument, or other evidence of the corner is not found, the registered land surveyor shall do the

following:

(1) Establish the location of the corner:

(A) based on the best available evidence; and

(B) in accordance with procedures for lost or obliterated corners outlined in or authorized by the United States Code in 43 U.S.C. 751, 43 U.S.C. 752, and 43 U.S.C. 753, which are hereby incorporated by reference.

(2) Monument that location.

(h) If the corner was perpetuated for use on an original, retracement, or route survey, the registered land surveyor shall do the following:

(1) Describe and reference the monument in such a manner that facilitates its recovery by other surveyors.

(2) Document the following:

(A) The chain of history of the corner to the best of his or her knowledge.

(B) The evidence found and weighed.

(C) The search area or areas.

(D) The theory of location applied in re-establishing the corner.

(E) Other relevant information regarding the perpetuation of the corner in the surveyor's report or on the plat of survey, or both.

(3) Provide a copy of the surveyor's report and plat of survey to the county surveyor.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-30; filed May 4, 2006, 1:25 p.m.: 29 IR 3021)*

### **Rule 13. Continuing Education**

#### **865 IAC 1-13-1 Continuing education (Repealed)**

Sec. 1. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-2 Continuing education requirements (Repealed)**

Sec. 2. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-3 New registrants exempted (Repealed)**

Sec. 3. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-4 Length of instruction hour; length of course (Repealed)**

Sec. 4. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-5 Courses from approved and unapproved providers (Repealed)**

Sec. 5. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-6 Mandatory topics (Repealed)**

Sec. 6. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-7 Elective topics (Repealed)**

Sec. 7. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-13-8 Continuing education credit not given (Repealed)**

Sec. 8. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-*

865090270FRA)

**865 IAC 1-13-9 Retention of certificates of completion (Repealed)**

Sec. 9. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-10 Hours used in later renewal cycles (Repealed)**

Sec. 10. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-11 College courses as continuing education (Repealed)**

Sec. 11. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-12 Credit for instructors (Repealed)**

Sec. 12. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-13 Inactive status (Repealed)**

Sec. 13. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-14 Reactivation of inactive license (Repealed)**

Sec. 14. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-15 Reactivation if inactive for six years or less (Repealed)**

Sec. 15. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-16 Reactivation if inactive for six years or more (Repealed)**

Sec. 16. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-17 Continuing education required after reactivation (Repealed)**

Sec. 17. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-18 Petitions for reduction of hours (Repealed)**

Sec. 18. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-19 Audits of continuing education compliance (Repealed)**

Sec. 19. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-13-20 Sunset provision (Repealed)**

Sec. 20. (Repealed by State Board of Registration for Land Surveyors; filed Nov 7, 2003, 11:45 a.m.: 27 IR 876)

**Rule 14. Continuing Education Providers**

**865 IAC 1-14-1 Approval of providers (Repealed)**

Sec. 1. (Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

**865 IAC 1-14-2 Continuing education course providers (Repealed)**

Sec. 2. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-3 Course provider application (Repealed)**

Sec. 3. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-4 Course provider applications; submissions (Repealed)**

Sec. 4. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-5 Expiration of approval (Repealed)**

Sec. 5. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-6 Renewal of course provider approval (Repealed)**

Sec. 6. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-7 Notification of changes (Repealed)**

Sec. 7. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-8 Facilities (Repealed)**

Sec. 8. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-9 Instructor qualifications (Repealed)**

Sec. 9. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-10 Ineligible instructor candidates (Repealed)**

Sec. 10. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-11 Course approval (Repealed)**

Sec. 11. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-12 Course evaluations (Repealed)**

Sec. 12. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-13 Certifications of completion (Repealed)**

Sec. 13. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-14 Courses not completed (Repealed)**

Sec. 14. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-15 Reporting attendance to the board (Repealed)**

Sec. 15. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-16 Auditing courses by the board (Repealed)**



Sec. 16. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-17 Record retention (Repealed)**

Sec. 17. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-18 Audits of continuing education compliance (Repealed)**

Sec. 18. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-19 Discipline for noncompliance (Repealed)**

Sec. 19. *(Repealed by State Board of Registration for Land Surveyors; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-14-20 Sunset provision (Repealed)**

Sec. 20. *(Repealed by State Board of Registration for Land Surveyors; filed Nov 7, 2003, 11:45 a.m.: 27 IR 876)*

**Rule 15. Continuing Education**

**865 IAC 1-15-1 Continuing education**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-5; IC 25-1-4-6; IC 25-1-11; IC 25-21.5

Sec. 1. (a) This rule establishes the continuing education requirements for registered land surveyors.

(b) Failure to comply with this rule may subject the registered land surveyor to action under IC 25-1-4-5 and IC 25-1-4-6.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-1; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-15-2 Continuing education requirements**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 2. (a) Registered land surveyors must complete a minimum of twenty-four (24) hours of continuing education in order to qualify for the biennial renewal of the land surveyor's license in an active status. The twenty-four (24) hours of continuing education requirement must include both of the following:

(1) A minimum of six (6) continuing education hours in mandatory topics as defined in section 6 of this rule.

(2) A minimum of eighteen (18) continuing education hours in elective topics as defined in section 7 of this rule.

(b) New registrants are not required to comply with the continuing education requirements stated in subsection (a) at the first renewal of his or her license.

(c) No single elective course may count for more than twelve (12) hours of continuing education. Hours in excess of twelve (12) granted for any single elective course shall not be applied to the hours of continuing education required in the renewal period

except as otherwise allowed under subsection (e).

(d) College courses taken after licensure that qualify for continuing education credit under section 5 of this rule will be counted as follows:

(1) Ten (10) hours of continuing education credit per credit hour taken in a quarter system.

(2) Fifteen (15) hours of continuing education credit per credit hour taken in a semester system.

However, college credit earned under this section and applied as elective continuing education hours must comply with the requirements of subsection (c).

(e) Up to four (4) hours of elective continuing education topics earned, but not used, in one (1) renewal period may be applied to the hours required in the next renewal period. Proper documentation of any such hours shall be submitted as required by the board.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-2; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

**865 IAC 1-15-3 Length of instruction hour; length of course**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 3. (a) One (1) hour of continuing education must contain at least fifty (50) minutes of instruction.

(b) A continuing education course shall be a minimum of one (1) hour of instruction. (*State Board of Registration for Land Surveyors; 865 IAC 1-15-3; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **865 IAC 1-15-4 Credit for instructors**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 4. (a) Two (2) hours of continuing education credit will be granted per hour of time spent as a lecturer, instructor, or discussion leader in a continuing education course that meets the requirements of sections 5 through 7 of this rule.

(b) Continuing education credit as provided for under subsection (a) will be granted only the first time an approved course is presented per biennium. (*State Board of Registration for Land Surveyors; 865 IAC 1-15-4; filed Feb 12, 2010, 2:56 p.m.: 20100310-*

*IR-865090270FRA*)

#### **865 IAC 1-15-5 Continuing education topics**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5; IC 25-21.5

Sec. 5. (a) To qualify as continuing education under this rule as provided for in IC 25-1-4-0.5, a course must be an orderly process of instruction that is:

(1) approved by an approved organization (as defined by IC 25-1-4-0.2) or the board; and  
(2) designed to directly enhance the land surveyor's knowledge and skill in providing land surveying services relevant to the profession of land surveying.

(b) Qualifying continuing education courses are categorized either as mandatory under section 6 of this rule or elective under section 7 of this rule. (*State Board of Registration for Land Surveyors; 865 IAC 1-15-5; filed Feb 12, 2010, 2:56 p.m.: 20100310-*

*IR-*

*865090270FRA*)

#### **865 IAC 1-15-6 Mandatory topics**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-0.5; IC 25-1-11; IC 25-21.5-1-7

Sec. 6. The following topics and course content are defined as mandatory by the board in qualifying as continuing education under IC 25-1-4-0.5 and section 5 of this rule:

- (1) 865 IAC 1-10, rules of professional conduct.
- (2) 865 IAC 1-12, if taught in a comprehensive manner.
- (3) 865 IAC 1-12-3, surveyor responsibility.
- (4) 865 IAC 1-12-7, measurements for retracement surveys, original surveys, and route surveys.
- (5) 865 IAC 1-12-11, surveyor conclusions in retracement surveys.
- (6) 865 IAC 1-12-12, publication of retracement and original survey results.
- (7) 865 IAC 1-12-13, retracement and original survey plats.
- (8) 865 IAC 1-12-20 through 865 IAC 1-12-25, route surveys.
- (9) 865 IAC 1-12-27 through 865 IAC 1-12-29, surveyor location reports.
- (10) 865 IAC 1-12-30, section corner perpetuation.
- (11) IC 25-21.5, Indiana land surveyor's registration act.
- (12) IC 25-21.5-1-7(a)(4), the preparation of legal descriptions for tracts of land to be used in the preparation of deeds of conveyance or other instruments.

(*State Board of Registration for Land Surveyors; 865 IAC 1-15-6; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **865 IAC 1-15-7 Elective topics**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-0.5; IC 25-1-11; IC 25-21.5

Sec. 7. The following topics and course content are defined as elective by the board in qualifying as continuing education under IC 25-1-4-0.5 and section 5 of this rule:

- (1) Mandatory topics as defined in section 6 of this rule.
- (2) College level mathematics.
- (3) College level physical sciences.
- (4) Federal and state laws, rules, regulations, and practices pertaining to the following:
  - (A) The establishment or reestablishment of land boundaries in Indiana.

- (B) The practice of land surveying in Indiana.
- (5) The design, planning, and platting of subdivisions.
- (6) Preparation of plans and profiles for:
  - (A) roads;
  - (B) storm drainage; and
  - (C) sanitary sewer extensions;
 in subdivisions.
- (7) The ethical, economic, and legal principles that pertain to the practice of land surveying.
- (8) Topographic and hydrographic surveying.
- (9) Construction layout.
- (10) Remote data acquisition systems, such as the following:
  - (A) Photogrammetry.
  - (B) LiDAR.
  - (C) Remote sensing.
- (11) Surveying applications, such as the following:
  - (A) GIS.
  - (B) LIS.
- (12) Advanced surveying procedures and equipment, such as the following:
  - (A) GPS.
  - (B) Laser scanning.
- (13) Computer applications for land surveyors.
- (14) Communication, such as the following:
  - (A) Public speaking.
  - (B) Technical writing.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-7; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-8 Distance learning requirements**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 8. (a) Up to twelve (12) hours of the continuing education credits required under this rule may be obtained by distance learning methods.

(b) For a distance learning course to be acceptable to the board, it must:

- (1) meet the requirements of sections 5 through 7 of this rule;
- (2) be presented or otherwise formatted in a logical order and may make use of a variety of media or delivery techniques, including:
  - (A) printed materials;
  - (B) video or DVD;
  - (C) live broadcast; or
  - (D) the Internet;
- (3) include, at the end of the course, an examination that is graded by the provider;
- (4) be completed within one (1) year of enrollment in the course; and
- (5) provide for confirmation of successful completion of the course by the provider.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-8; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-9 Approval of courses**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-0.2; IC 25-1-11; IC 25-21.5

Sec. 9. (a) A course qualifies for continuing education credit if it:

- (1) meets the requirements of sections 5 through 7 of this rule;
- (2) if the course is a distance learning course, meets the requirements of section 8 of this rule; and
- (3) either is approved by:
  - (A) an approved organization as defined in IC 25-1-4-0.2; or
  - (B) the board under subsection (b) or (c).

(b) A course provider that is not approved by an approved organization as defined in IC 25-1-4-0.2 may request specific board approval of a continuing education course by submitting on a form provided by the board the following information:

- (1) A course outline demonstrating that the course content meets the requirements of sections 5 through 7 of this rule.

- (2) The name and address of the provider.
  - (3) The telephone number of a contact person for the provider.
  - (4) The name and address of each instructor.
  - (5) Biographical information for each instructor sufficient to demonstrate their qualifications to competently teach the course as provided for in section 11 of this rule.
  - (6) The number of mandatory or elective hours being requested for approval.
  - (7) The student evaluation form for evaluations under section 23 of this rule.
  - (c) A registered land surveyor may request specific board approval of any continuing education course by submitting course material. The following information must be provided:
    - (1) The following information about the course:
      - (A) The course title.
      - (B) The course outline or a description demonstrating that the course content meets the requirements of section 5 of this rule and section 6 or 7 of this rule.
      - (C) The location where the course was taught.
      - (D) The date the course was taught.
      - (E) The name, telephone number, and address of the provider.
      - (F) The name and address of each instructor.
      - (G) Biographical information for each instructor sufficient to demonstrate their qualifications to competently teach the course content as provided for in section 11 of this rule.
    - (2) The name and license number of the registered land surveyor requesting approval.
    - (3) A certified statement signed by the registered land surveyor stating that the entire course was completed.
    - (4) The number of mandatory or elective hours as defined in section 6 or 7 of this rule being requested for approval.
- (State Board of Registration for Land Surveyors; 865 IAC 1-15-9; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-10 Proof of course completion**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-3; IC 25-1-11; IC 25-21.5

Sec. 10. (a) The registered land surveyor is responsible for obtaining the evidence necessary to demonstrate that:

- (1) any course for which continuing education credit will subsequently be claimed was completed; and
- (2) the course met the requirements of this rule.
- (b) The registered land surveyor shall retain the evidence required in subsection (a) for not less than three (3) years as provided for in IC 25-1-4-3(a)(2). *(State Board of Registration for Land Surveyors; 865 IAC 1-15-10; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-11 Ineligible instructor candidates**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 11. (a) This section applies to board approval of continuing education courses under section 9(b) of this rule.

- (b) Anyone whose professional license or certification is under sanction in any jurisdiction may not instruct while the disciplinary sanction is in effect.
- (c) Anyone who does not have an advanced knowledge of the course material being taught may not instruct. *(State Board of Registration for Land Surveyors; 865 IAC 1-15-11; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-12 Continuing education credit not given**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 12. Credit will not be given for any of the following:

- (1) Any education obtained before licensure.
- (2) Motivational classes or seminars.
- (3) Meetings of the board.
- (4) Business, social, or other noneducational meetings of professional groups, or subgroups, such as the Indiana Society of Professional Land Surveyors.
- (5) Committee work with local, state, or national professional organizations.
- (6) Staff meetings.
- (7) Courses taken for a second or subsequent time during a renewal period.

(8) Courses not completed due to dismissal by the provider for disruption of the course.  
(State Board of Registration for Land Surveyors; 865 IAC 1-15-12; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

#### **865 IAC 1-15-13 Inactive status**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 13. (a) Registered land surveyors may apply to the board to renew their licenses in an inactive status.

(b) No continuing education is required to renew inactive.

(c) An inactive registered land surveyor may not practice land surveying while in an inactive status. (State Board of Registration for Land Surveyors; 865 IAC 1-15-13; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

#### **865 IAC 1-15-14 Reactivation of inactive license**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 14. To reactivate an inactive license, a registered land surveyor must:

(1) apply to the board for reactivation on the application form supplied by the board; and

(2) pay the same fee required to renew an active license.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-14; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

#### **865 IAC 1-15-15 Reactivation if inactive for six years or less**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 15. Registered land surveyors who have been inactive for a period of six (6) years or less at the date the reactivation application is filed must either:

(1) pass part IIB of the next regularly scheduled land surveyor examination; or

(2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-15; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)

#### **865 IAC 1-15-16 Reactivation if inactive for more than six years**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 16. Registered land surveyors who have been inactive for a period of more than six (6) years at the date the reactivation application is filed must:

(1) pass part IIB of the next regularly scheduled land surveyor examination; and

(2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-16; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA; errata filed Apr 27, 2010, 10:12 a.m.: 20100512-IR-865100249ACA)

#### **865 IAC 1-15-17 Continuing education required after reactivation**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 17. This section applies to all registered land surveyors who reactivate an inactive license by establishing the number of hours of continuing education required for the time period between reactivation and the renewal date in the table in this section in order to qualify to renew active. Registered land surveyors must complete the mandatory continuing education required in section

6 of this rule unless the requirement in the table in this section is zero (0). Additional hours of continuing education required in the

following table may be met by taking courses of elective topics that meet the requirements of section 7 of this rule:

Date of Activation	Hours Required to Renew Active
August 1 to October 31 of first 12 months of license period	24
November 1 to January 31 of first 12 months of license period	21
February 1 to April 30 of first 12 months of license period	18
May 1 to July 31 of first 12 months of license period	15
August 1 to October 31 of second 12 months of license period	12

November 1 to January 31 of second 12 months of license period	9
February 1 to April 30 of second 12 months of license period	6
May 1 to July 31 of second 12 months of license period	0
<i>(State Board of Registration for Land Surveyors; 865 IAC 1-15-17; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)</i>	

#### **865 IAC 1-15-18 Reactivation of a delinquent or lapsed license**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-8-6; IC 25-1-11; IC 25-21.5

Sec. 18. (a) A registered land surveyor who wishes to reinstate an expired license must meet the continuing education requirements as provided for in IC 25-1-8-6.

(b) A registered land surveyor who wishes to reinstate a license that has been expired for six (6) years or less must meet the continuing education requirements as provided for in sections 15 and 17 of this rule for reactivation of inactive licenses.

(c) A registered land surveyor who wishes to reinstate a license that has been expired for more than six (6) years must meet the continuing education requirements as provided for in sections 16 and 17 of this rule for reactivation of inactive licenses.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-18; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-19 Petitions for reduction of hours**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-4; IC 25-1-11; IC 25-21.5

Sec. 19. Registered land surveyors may petition the board in writing for waiver of all or part of the continuing education requirements for a renewal period in accordance with IC 25-1-4-4. *(State Board of Registration for Land Surveyors; 865 IAC 1-15-19; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-20 Continuing education compliance**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4; IC 25-1-11; IC 25-21.5

Sec. 20. Continuing education audits and actions regarding noncompliance will be conducted as provided for in IC 25-1-4.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-20; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-21 Rescinding course approval**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 4-21.5-3-7; IC 4-21.5-3-8; IC 25-1-11; IC 25-21.5

Sec. 21. (a) This section applies to continuing education courses approved by the board under section 9(b) of this rule.

(b) Upon receipt of a written complaint from a registered land surveyor regarding a continuing education course, or as a result of a report from a representative of the board attending the course as provided for in section 25 of this rule indicating noncompliance

with this rule, the board, or its representative, may request one (1) or both of the following from the course provider or the instructor,

or both:

(1) Copies of the provider's student evaluations for that course.

(2) Appear to answer questions regarding the course.

(c) If after investigation the board determines that the course does not meet the requirements of this rule, approval of that course for continuing education purposes may be:

(1) rejected; or

(2) rescinded if it had otherwise been previously approved under section 9(b) of this rule.

(d) The course provider for any course investigated by the board shall be:

(1) provided a copy of any report prepared in accordance with section 25 of this rule;

(2) provided the results of the board's investigation; and

(3) entitled to a hearing as provided for in IC 4-21.5-3-7 or IC 4-21.5-3-8.

*(State Board of Registration for Land Surveyors; 865 IAC 1-15-21; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA)*

#### **865 IAC 1-15-22 Expiration of approval**

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 22. Continuing education courses approved by the board under section 9(b) of this rule remain approved indefinitely until or unless:

(1) any of the items defining that course and required under section 9(b) of this rule change, in which case a provider wishing

to maintain approval must resubmit course information as provided under section 9(b) of this rule; or  
(2) such approval is rescinded by action of the board under section 21 of this rule.  
(*State Board of Registration for Land Surveyors; 865 IAC 1-15-22; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **865 IAC 1-15-23 Course evaluations**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 23. For continuing education courses approved under section 9(b) of this rule, course providers shall conduct a written student course evaluation. (*State Board of Registration for Land Surveyors; 865 IAC 1-15-23; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **865 IAC 1-15-24 Course credit**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 24. (a) Course providers, at their discretion, may grant the following to registered land surveyors:

(1) Partial credit in proportion to the amount of time that a registered land surveyor attended the continuing education course.  
(2) After one (1) hour of instruction, credit in one-half (1/2) hour increments.

(b) To receive full credit for a course, a registered land surveyor must:

(1) be present for the entire course; or

(2) in the case of continuing education obtained by college or university courses, receive full credit for the course from that college or university.

(*State Board of Registration for Land Surveyors; 865 IAC 1-15-24; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **865 IAC 1-15-25 Auditing courses by the board**

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 25. (a) For courses approved under section 9(b) of this rule, the board reserves the right to send a representative to evaluate

a course and related aspects, such as the:

(1) facilities;

(2) course outline;

(3) handouts;

(4) instructor or instructors; and

(5) presentation;

at no cost to the board or its representative. The representative may record all or part of any presentations.

(b) Board representatives who attend continuing education courses without paying the full fee charged by the course provider are ineligible to receive continuing education credit for those courses.

(c) Board representatives who attend continuing education courses as provided for in this section shall prepare a written report to the board addressing compliance of the course and its instructor or instructors with this rule. (*State Board of Registration for Land*

*Surveyors; 865 IAC 1-15-25; filed Feb 12, 2010, 2:56 p.m.: 20100310-IR-865090270FRA*)

#### **Non-Code Provision under Public Law 206-2005**

##### **P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.